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Housing and Executive Administration

Public Hearing

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Good afternoon Chairperson Bonds, Housing and Executive Committee, staff members, thank you all for allowing me the opportunity to speak. My name is Evan Loukadakis, I'm a Ward 6 resident, representing the D.C. Association of Realtors--DCAR—

Our 3,000 members are a voice for real estate professionals, small housing providers, and most importantly homeowners and renters who live and work in the District.

I am here to raise several concerns DCAR has for Bills 24-106 and 24-96, that we believe would cause heavy, adverse effects on small housing providers.

Our members understand the authors' intention behind these bills is to protect tenants. Our members work with tenants day-to-day, and we want to maintain reasonable safeguards, however, a clear point must be made that these proposals (specifically in B24-106 the Tenant Screening Act) make daily operations for small housing providers unduly difficult.

What this bill attempts to address is actually already covered by the federal Fair Credit Reporting Act. For example, the Act requires a housing provider to give written notice to a prospective tenant if their application was rejected, which must include the reason why the application was rejected, the applicant's rights and ability to challenge inaccurate information, the name of the reporting agency that was used, and the applicant's right to receive a free copy from the agency.

Another concern is that the way this legislation is written can expose housing providers to violating the Fair Housing Act with the 72-hour dispute process, which is legally, highly problematic. The Fair Housing Act requires a housing provider to rent to the first qualified applicant, which this bill also proposes.

But the language suggests that if a prospective tenant can demonstrate mitigating circumstances, then the housing provider must rent the available unit to them, effectively precluding other qualified tenants from the unit.

This isn't the only provision that would open housing providers to liability. According to bill 24-106, a housing provider must waive any application fee and consider a prospective tenant's own background report, which may not meet fair housing standards, and if the housing provider wanted to obtain supplemental background information then that would come at their own expense.

There are several other points in this legislation that DCAR is strongly concerned with; however, we are certainly committed to working with the committee and authors to allay these concerns.

We do hope in the future that the District initiates policies that encourage more small housing providers to enter the local housing market. Unfortunately, the current legislative conditions are fostering an environment where only financially fit, resourceful large operators can survive.

As always, thank you Chair Bonds and Housing Committee members for the opportunity to provide testimony. We look forward to working with you all to ensure that tenants and small housing providers are all well represented in the legislative process.