

FAQ: Tenant Repayment Plan for Residents Impacted by COVID-19

Landlords and Tenants Can Create Their Own One-Year Plan

District residents cannot be evicted for the duration of the public health emergency plus sixty days; nor can they be charged late fees for the duration of the public health emergency. Unless extended, the public health emergency ends on Friday, October 9.

If a tenant falls behind on their rent due to the public health emergency, the landlord must offer a payment plan to help them become current.

The following are frequently asked questions to help landlords and tenants reach a payment plan agreement.

A tenant has given notice of financial difficulty due to COVID-19 and fallen behind on their rent. Can a landlord evict them?

No. On March 11, 2020, Mayor Bowser declared a public emergency and public health emergency due to the COVID-19 pandemic which included a moratorium on evictions. In response to the declared emergencies, the D.C. Council passed several legislative amendments, including the Coronavirus Support Temporary Amendment Act of 2020 (Act) which establishes a tenant rent payment plan.

Are landlords required to offer their tenants a payment plan should they fall behind on their rent?

Yes. Landlords and property managers shall develop and provide a tenant payment plan program for eligible tenants. To be eligible, a tenant must have a current residential lease agreement and notify the landlord or property manager of an inability to pay all or a portion of the rent due to the public health emergency.

Also, the housing provider must:

1. Notify all tenants of plan availability and process;
2. Establish applicant procedures which may include requiring a tenant to provide supporting documentation; and
3. Provide for an application process online or by telephone.

What are the required terms for establishing a payment plan?

The housing provider and tenant must create their own payment plan agreement. However, terms of be payment plan must:

1. Be in writing;
2. Be for the payment of gross rent and any other amounts coming due under the lease agreement;
3. Be for a minimum term of 1 year unless the tenant requests a shorter term;
4. Provide for equal monthly installments for the duration of the payment plan unless the tenant agrees to a different payment schedule;
5. Waive any fee or penalty accruing under a payment plan;
6. Permit a tenant to pay an amount greater than the monthly amount provided for in the payment plan; and

7. Not require any lump sum payment.

After an agreement has been reached are there any additional requirements or considerations?

Yes, there are additional requirements for housing providers when a payment plan has been reached with a tenant. A housing provider shall:

1. Not report any negative information about a tenant under a payment plan to a credit bureau;
2. Provide that an eligible tenant does not lose any rights under the payment plan;
3. Approve each payment plan application if the tenant can demonstrate financial hardship resulting directly or indirectly from the public health emergency, regardless of an existing delinquency or a future inability to make rental payments established before the public health emergency began;
4. Keep copies of all approved or rejected plan applications for three (3) years; and
5. At the request of the tenant, provide a copy of a payment plan to the Rent Administrator at the D.C. Department of Housing and Community Development (DHCD), Rental Accommodations Division.

If a payment plan agreement with a tenant is not reached or their application is denied, can eviction proceedings begin?

No. A tenant whose payment plan application is denied may file a written complaint with the Rent Administrator who will review the complaint for completeness and then refer the complaint to the D.C. Office of Administrative Hearings (OAH) for adjudication.

A tenant complaint form is available at <https://dhcd.dc.gov/service/rent-control>. A complaint form must be filled out, signed and dated, and include copies of relevant and supporting documentation. A tenant may submit a complaint to:

**D.C. Department of Housing and Community Development
Housing Regulation Administration
Rental Accommodations Division
1800 Martin Luther King, Jr. Avenue, S.E.
Washington, D.C. 20020**

Tenant complaints may be submitted by mail, hand delivered to the drop box available in the agency's lobby (Monday-Friday, 8:30 a.m.—3:30 p.m.), or emailing the complaint form and supporting documentation to dhcd.rad@dc.gov.

Can tenants get assistance from DHCD with filing a complaint?

Tenants may obtain assistance with completing a complaint by contacting these organizations:

- **Office of the Tenant Advocate** (202) 719-6560
- **Housing Counseling Services** (202) 667-7006
- **Latino Economic Development Center** (202) 588-5102.

The Rental Accommodations Division may be reached on (202) 442-9505.

Find more information and housing resources at: <https://dhcd.dc.gov/>