Testimony of Natasha Duarte, Senior Project Director
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Before the Committee on Housing
Council of the District of Columbia

May 28, 2025 Public Hearing Regarding
B26-0141, Eviction Reform Amendment Act of 2025
B26-0164, Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Act of 2025

Chairperson White and members of the Housing Committee,

I am a Ward 5 resident, a longtime DC renter, and the director of the housing issue area at Upturn. Upturn researches the material impacts of technology on people's lives. We have written about how tenant screening systems, and particularly the use of eviction records to screen tenants in DC, deepens housing discrimination and insecurity.[1] Through this research, and through doing eviction support with my neighbors, I have become familiar with the eviction process in DC, the ways that both landlords and tenants navigate the process, and how eviction cases and the records they produce impact people's lives. I urge the committee not to move forward with either the RENTAL Act or the Eviction Reform Amendment Act because both bills would result in more eviction filings, more defaults, and more displacement.

These bills have been characterized as striking a "balance," but they surgically target what little recourse tenants have against unfair or unlawful evictions.

Both B26-0141 and B26-0164 target the opportunities that tenants and the court have in an eviction case to hold landlords accountable for failures to meet their legal obligations.

- The bills would severely reduce the amount of notice landlords must give tenants before filing an eviction (B26-0164) and the amount of time before a hearing that tenants must be served with a summons (both).

[1] *See* Natasha Duarte & Tinuola Dada, Upturn, Testimony on the Eviction Record Sealing Authority Amendment Act, before the Committee on Housing and Executive Admin., Council of the District of Columbia (May 20, 2021), https://www.upturn.org/work/dc-council-testimony-on-the-eviction-record-sealing-authority-amendment-act/; Tinuola Dada & Natasha Duarte, Upturn, How to Seal Eviction Records: Guidance for Legislative Drafting (July 2022), https://www.upturn.org/work/how-to-seal-eviction-records/.

- The bills would allow some eviction cases to move forward when the landlord has failed to allege sufficient facts or produce sufficient evidence to meet the legal requirements for an eviction complaint, or has failed to provide tenants with legally required notice.
- The bills would curtail tenants' right to demonstrate that their protective order payments should be lowered due to their landlords' housing code violations, failure to maintain the unit, or unlawful rent increases.

DC's eviction notice requirements are basic due process protections, not pandemic responses or undue burdens on landlords.

When the Council strengthened eviction notice protections in 2022, it did so to address a long-standing problem: Landlords were often failing to give tenants sufficient and accurate notice of alleged unpaid rent or lease violations before filing evictions, and process servers were systematically failing to deliver notices to appear in court, which meant that many tenants lost their cases by default because they were not aware of their court dates.[2]

Being removed from one's home and community is traumatic and life threatening. It *should* require process. Giving 30 days notice before an eviction filing or hearing is a minimal requirement compared to the consequences of eviction. The only logical explanation behind slashing these notice requirements is the hope that many tenants will be unaware of or unable to appear at their hearings and lose their eviction cases by default, and that those who do make it to their hearings will not have enough time to find legal representation.

30-day notices to quit give tenants the opportunity to pay back rent, work with their landlord on a payment plan, correct alleged lease violations, seek corrections of inaccurate rent ledgers, or find a new place to live *before* an eviction case is filed, preventing an unnecessary filing.

Weakening notice requirements all but guarantees that more evictions will be filed, more people will have to miss work to appear in court, more tenants will lose by default, and more people will be evicted.

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[2] Josh Kaplan, *Thousands of D.C. Renters are Evicted Every Year. Do They All Know to Show Up to Court?*, DCist (Oct. 5, 2020), https://dcist.com/story/20/10/05/thousands-of-d-c-renters-are-evicted-every-year-do-they-all-know-to-show-up-to-court/.

Bell hearings allow the court to adjust rental payments based on landlords' violations.

Landlords can — and almost always do — ask the court to enter a protective order requiring the tenant to make monthly payments into the court registry during the pendency of their eviction case, ensuring that the landlord will continue to accrue monthly rent payments while they litigate.[3] In some cases, the court holds a "Bell hearing" to hear evidence of potential housing code or other legal violations that should warrant reducing the monthly payment from the amount the landlord is requesting. Bell hearings were established by DC Circuit Court precedent, and enshrined in our court rules, to ensure that tenants are not forced to make payments that they should not legally owe.[4] Both B24-0141 and B26-0164 would upend this process by requiring courts to grant all protective order requests for the full monthly rent amount *before* holding a separate hearing to adjudicate whether the amount should be lowered.

What the bills frame as "rebalancing" actually tips the scales decidedly against tenants.

Landlords currently do not face challenges getting protective orders granted. Out of 20 Bell hearings held in May 2025, 17 resulted in protective orders being granted, one case was dismissed because the tenant had moved out, one was continued, and in one case the protective order amount was modified after the tenant presented evidence of serious housing code violations (water damage, mouse infestation, broken appliances, unsealed windows, and inadequate heat).[5] In almost all cases the protective order was equal to or greater than the monthly rent amount.[6] Importantly, tenants are not legally obligated to pay the full rent amount where there are housing conditions violations, and the purpose of eviction court is to determine how much rent should be owed while these conditions persist.

Longstanding legal precedent and rules require the court to consider the balance of equities between the landlord and tenant when deciding whether to enter a protective

[3] D.C. Courts, Landlord & Tenant, Rule 12-1.
[4] Bell v. Tsintolas Realty Company, 430 F.2d 474 (D.C. Cir. 1970).
[5] Based on search results retrieved on June 3, 2025, by searching the DC Superior Court's hearing database for hearings held in May 2025 in courtroom B53 (where Bell hearings are held) and reviewing the journal entry for each Bell hearing.
[6] Some protective order amounts were significantly greater than the monthly rent, even though protective orders are supposed to be prospective only and not a tool for collecting back rent. This may be because judges are allowed to make protective orders retroactive to the date they were first requested. D.C. Courts L&T Rule 12-1(d).

order. In many cases, landlords' protective order requests go unchallenged and are granted at the initial hearing stage, without a Bell hearing.

Unfair protective orders do not just take money out of tenants' pockets. Landlords can file for sanctions over missed or partial protective order payments, which can include taking away the tenant's right to raise defenses such as housing code violations in their eviction case, taking away the tenant's right to a jury trial, and entering a default and judgment for possession.[7] The bills before the committee would result in more defaults and would make it harder for tenants to move out due to the lost money and the eviction on their record.

The proposed reforms would result in more tenants with eviction records, making it harder to find new housing.

Currently, a large percentage of eviction cases in DC end in settlement agreements, where the tenants remain in their units and agree to a court-enforceable payment plan or move-out agreement. The records of these cases are sealed within 30 days to mitigate the collateral damage to tenants' ability to find new housing.[8] As discussed, the introduced bills would result in more defaults at the initial hearing and sanctions hearing stages, leaving tenants with publicly available eviction records in their names for three years, hindering their ability to find future housing, and increasing the threat of homelessness.

Rolling back eviction protections is not a valid response to the housing crisis.

In his opening statement, Chairperson White indicated that the committee faced pressure to respond to affordable housing developers' calls to make evictions go faster. The developers characterize what we are experiencing as a crisis of unpaid rent that is specific to DC. Taking away tenant protections in the name of "doing something" would be a failure to recognize the actual crisis we face and what is at stake. Nationwide, and especially in expensive cities including the District, renters cannot keep up because housing is managed as an asset to make profits for investors and not as a public resource for the people who live here. Chairperson White lamented that we have no choice but to rely on the private sector for housing. If relying on the private sector for housing means constantly debating which hard-won tenant protections to eliminate, then it must be time to start working toward a housing system that is not so reliant on private sector ROIs. Making the eviction process even more landlord-friendly, especially without a right to

[7] D.C. Courts L&T Rule 12-1(f)–(g).
[8] D.C. Code § 42-3505.09.

counsel or ERAP funding, will solve no problems for DC residents and only accelerate displacement and inequality in the District.