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1 if Mr. Peabody doesn't mind. He may have more

2 familiarity with the issue than I do, that specific

3 issue.

4 CHAIRMAN GRAHAM: Mr. Peabody, what do you say to

5 Ms. Bladen White?

6 MR. PEABODY: I would say, first, is it amazes me

7 that this building can be sold to another and go

8 through the tenants and not be under rent control. It

9 doesn't make sense.

10 CHAIRMAN GRAHAM: Well, it might've been built

11 after 1978?

12 MR. PEABODY: Well, why would the tenants be

13 allowed to purchase it?

14 CHAIRMAN GRAHAM: All of the buildings constructed

15 after 1975 are not subject to rent control.

16 MR. PEABODY: Well, I agree with Mr. Krause in

17 this regard, and that is that there are bad actors

18 elsewhere.

19 I might point out that tenants and landlords alike

20 are drawn from the same morality pool, and it's,

21 therefore, up to the Council to be able to be in the

22 center and not go one side or the other.

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1 CHAIRMAN GRAHAM: Well, I found your example of

2 comparing these rent control proposals to the

3 clearances in Southwest to be extreme, to say the

4 least.

5 You know, the thing that has puzzled me throughout

6 this hearing, so much so that I'm going to -- has Ms.

7 Zapata left?

8 UNIDENTIFIED SPEAKER: She's in the hallway.

9 CHAIRMAN GRAHAM: Oh, because I'm actually going

10 to go back with her on this — these issues of these

11 various petitions because you've heard me say over and

12 over again that landlords are entitled to a 12 percent

13 guaranteed rate of return on their investments. There

14 is a hardship petition which can be filed. They also

15 have available to them capital improvement petitions,

16 substantial rehab petitions. They can work with the

17 tenants to figure out — you know, they can meet with

18 the tenants to say we're just not making it here, we

19 need some additional rents, and perhaps with an

20 exchange for various services. It's easy to imagine a

21 situation where the tenants would say, yes, it's okay,

22 and then they can come in with a voluntary agreement.

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1 And then there's the services and facilities, you know,

2 petition as well.

3 All of this is available --

4 MR. PEABODY: Can I --

5 CHAIRMAN GRAHAM: -- and --

6 MR. PEABODY: Can I respond?

7 CHAIRMAN GRAHAM: May I state the question first?

8 MR. PEABODY: Yeah, mm-hmm.

9 CHAIRMAN GRAHAM: May I state the question first?

10 MR. PEABODY: Yes, absolutely. Mm-hmm.

11 CHAIRMAN GRAHAM: And yet, what we're finding is

12 that these petitions are little used -- little used.

13 We've had two hardship petitions filed in the last two

14 years.

15 Now, maybe there's something -- and we've also got

16 strictures in the law requiring the Rent Administrator

17 to act within 60 days of a completed application.

18 I mean, I'm allowing for the possibility that this

19 is something that we should inquire into, and I'm

20 planning on inquiring into it today. But the fact of

21 the matter is that these mechanisms are there. You

22 have a guarantee of a 12 percent rate of return. I'd

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1 like a 12 percent rate of return guaranteed by law, you

2 know. And it's not a complex formula; in fact, it's

3 very simple once you pay attention to it. I mean, I

4 get one percent on my savings account.

5 MR. PEABODY: Can I respond?

6 CHAIRMAN GRAHAM: Why isn't 12 percent enough?

7 MR. PEABODY: Because it ain't 12 percent, and the

8 only way you're going to find out what it really is is

9 by going and putting on a landlord hat and trying it

10 yourself in a role play situation. Then you will begin

11 to find out how the thing really works. And you can

12 try not only the hardship, but the capital improvement,

13 and many of those other petitions, and you will start

14 finding out that they are illusory, and that they are

15 so difficult that, indeed, people haven't used the

16 comparables and the 12 percents to get the increases

17 they need without going through those things.

18 And if you want to really be honest about it, the

19 '85 Act, which increased those two, the 12 percent and

20 the comparable, was really, as you say it, an

21 evisceration of the rent control law because there were

22 quite a few people that want to get rid of it, but

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1 couldn't figure out a way to do it politically, and,
2 therefore, they did it on this basis, which is on a
3 rolling average.
4   So now, what's happening is that without that, we
5 sink back into the old rent control law, which nobody
6 uses today because it's too difficult. And it is going
7 to be much too difficult to use in the future, which
8 this legislation is going to force them to do.
9   So, before you put us back into that mess --
10 before you put us back into that mess, do the
11 responsible thing and really understand the -- both
12 sides of the issue. At this moment, it doesn't seem
13 that you do because you keep saying we get the 12
14 percent, but we all tell you that it's an illusion.
15   CHAIRMAN GRAHAM: Mr. Peabody, have you filed a
16 hardship petition?
17   MR. PEABODY: Didn't have to.
18   CHAIRMAN GRAHAM: Have you filed a hardship
19 petition?
20   MR. PEABODY: Years ago, I did, in fact, file on.
21   CHAIRMAN GRAHAM: Do you own or manage rental
22 buildings --

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1   MR. PEABODY: I do.
2   CHAIRMAN GRAHAM: -- subject to rent control?
3   MR. PEABODY: I do.
4   CHAIRMAN GRAHAM: Okay. And have you made capital
5 improvements in those buildings?
6   MR. PEABODY: I have.
7   CHAIRMAN GRAHAM: And have you filed a capital
8 improvement petition?
9   MR. PEABODY: No, it wasn't necessary for me
10 because, indeed, the rents that I was getting under the
11 12 percent -- I'm getting market rents because, indeed,
12 I've had a higher -- the ceilings are higher than what
13 the market is.
14   CHAIRMAN GRAHAM: And, you see, that is what I --
15 you weren't here earlier, but I made that point
16 earlier. That's the principle reason. I mean, there
17 may be procedural issues. There may be paperwork
18 issues. But the principle reason is that the more
19 hardship petitions or capital improvement petitions
20 have not filed. The principle reason, is it you're
21 getting the rents that you want through the operation
22 of these amendments which were passed in 1985?

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1   Please, Mr. Peabody, don't come before me and tell
2 me I don't understand something. I have spent, if I
3 may. I've been chairman of this committee since
4 January the 1st. I've spent an enormous amount of time
5 understanding these laws. And the way to start this is
6 with a feeling of respect mutually exchanged. You
7 don't respect me when you tell me that what this is
8 about is the Southwest clearances. You don't respect
9 me. And you don't respect me when you tell me I don't
10 know what I'm doing, okay? So, thank you very much for
11 your testimony.
12   The next panel -- let's see. We have some people
13 that we passed earlier -- yes, I know. We have Mary
14 Hueg. Is she here? Am I mispronouncing your name?
15   MS. HUEG: Hueg.
16   CHAIRMAN GRAHAM: Hueg, all right, come on
17 forward, please. Campbell Johnson, I saw Campbell
18 Johnson. We had passed him earlier. Is Commissioner
19 Lindeman here?
20   COMMISSIONER LINDEMAN: Yes.
21   CHAIRMAN GRAHAM: Oh, come forward, please,
22 Commissioner. We passed you, too. And Lorena Cabanas,

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1 Rittenhouse Tenants Association. Are you -- wait just
2 a minute. Okay. We want to give everybody a chance
3 here. Just one second.
4   UNIDENTIFIED SPEAKER: Can I be on the ballot?
5   CHAIRMAN GRAHAM: You want to be on the ballot
6 again?
7   [Laughter.]
8   CHAIRMAN GRAHAM: If ever there was a Freudian
9 slip. You can be on the ballot. Now, wait a minute,
10 let me get myself clear here. Here's Commissioner
11 Lindeman. There you are, right?
12   COMMISSIONER LINDEMAN: Yes.
13   CHAIRMAN GRAHAM: Okay, good. And I know Campbell
14 Johnson is here now. And Mary Hueg?
15   MS. HUEG: Hueg.
16   CHAIRMAN GRAHAM: Could you spell your name for
17 me, please?
18   MS. HUEG: H-U-E-G
19   CHAIRMAN GRAHAM: Hueg, yes, good.
20   MS. HUEG: Thank you.
21   CHAIRMAN GRAHAM: Okay, that makes it very clear.
22 Thank you so much.

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1 MS. HUEG: You're welcome.

2 CHAIRMAN GRAHAM: And now, yes, your name again?

3 MR. SILVERS: Frederick Silvers.

4 CHAIRMAN GRAHAM: Oh, here you are, Bojan?

5 MR. SILVERS: Yes.

6 CHAIRMAN GRAHAM: Is that correctly pronounced?

7 MR. SILVERS: Say it once more.

8 CHAIRMAN GRAHAM: Bojan?

9 MR. SILVERS: Bojan.

10 CHAIRMAN GRAHAM: Bojan.

11 MR. SILVERS: Bojan.

12 CHAIRMAN GRAHAM: Okay. Will you come forward,

13 please?

14 All right. Commissioner Lindeman, you're up

15 first, and then Mr. Silvers, and then Mary Hueg, and

16 then Campbell Johnson. So, it's a perfect order,

17 actually, the way you sat.

18 So, Commissioner?

19 COMMISSIONER LINDEMAN: Yes. Thank you,

20 Councilmember.

21 CHAIRMAN GRAHAM: Well, wait, I have to ask. Are

22 you representing ANC 3C?

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1 COMMISSIONER LINDEMAN: Yes, I am.

2 CHAIRMAN GRAHAM: The Commission?

3 COMMISSIONER LINDEMAN: Yes, and since I'm a

4 District government official, do you need me sworn in?

5 CHAIRMAN GRAHAM: No, I'm not going to swear you

6 in.

7 COMMISSIONER LINDEMAN: Okay. I'm just checking.

8 CHAIRMAN GRAHAM: Fred Silvers, are you

9 representing Bojan?

10 MR. SILVERS: Yes.

11 CHAIRMAN GRAHAM: Okay. You get five minutes.

12 Mary Hueg, are you representing Sawyer Realty Holdings?

13 MS. HUEG: Yes.

14 CHAIRMAN GRAHAM: You get five minutes. And,

15 Campbell Johnson, are you representing the Urban

16 Housing Alliance?

17 MR. JOHNSON: Yes, and Dorchester Tenants

18 Association.

19 CHAIRMAN GRAHAM: And the Dorchester, okay. So,

20 you don't get 10 minutes, though. You just get -- so

21 everybody gets five minutes.

22 COMMISSIONER LINDEMAN: And I just want to

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1 apologize for being late. I heard you call my name

2 before the school day was out, and I was just getting

3 ready to leave my classroom. And, I'm like, oh, my

4 goodness, I can't be in two places at once. But I

5 appreciate you waiting.

6 We passed a resolution in ANC 3C. It's Resolution

7 2005-063, which you should have a copy there. We were

8 unaware at the time that were five bills before you, so

9 it only addressed 16457 and 458. But it has

10 information that actually pertains to a few of the

11 other bills that are before you today. And we would

12 have included all of them had we known that there were

13 five.

14 But I'll read the resolution. "Whereas, it is not

15 in the best interests of the District of Columbia

16 government to discourage the tens of thousands of

17 taxpaying residents/renters, who reside in the

18 District, to flee to neighboring jurisdictions in an

19 attempt to find affordable renting housing, and whereas

20 there is a need to strengthen rent control for the tens

21 of thousands of taxpaying residents/renters in the

22 District of Columbia, and whereas the potential

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1 negative impact of passing rent control legislation

2 needs to be properly and expertly researched or

3 assessed from a tenant perspective, and, whereas

4 tenants should fully be protected in their right to

5 organize; therefore, be it resolved, that ANC 3C

6 supports Bill 16-458, Right of Tenants to Organize

7 Amendment Act of 2005 in its entirety, and, be it

8 further resolved that ANC 3C supports Bill 16-457 with

9 the following exceptions: (1) ANC 3C urges the Council

10 to repeal the concept of the rent ceiling and replace

11 it with a more straightforward and transparent method

12 of limiting vacancy increases, and/or to allow a look

13 back provision to tenants as far back as is necessary

14 to establish a rent ceiling that has not been inflated

15 artificially and/or capriciously by multiple vacancy

16 comparable increases, flexible lease terms, or other

17 landlord friendly tactics; (2) The percentage by which

18 the suggested new paragraph 1(a) of Section 208(h) D.C.

19 Official Code 42-3502.08(h) should be limited to a

20 percentage equal to or less than the normal cost of

21 living index for Washington, D.C., the CPIW only; and,

22 be it further resolved, that ANC 3C urges the Mayor to

90 (Pages 354 to 357)

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1   appoint a tenant advocate as soon as possible, and
2   urges the Council to research this matter with due
3   diligence, and to continue dialogue and further
4   hearings on this matter in the interim; and, be it
5   further resolved, that ANC 3C authorizes the ANC 3C
6   chair, the chair of the ANC 3C Committee on Consumer
7   and Regulatory Affairs" -- that's me -- "and/or their
8   designees to represent ANC 3C on this matter. Attested
9   by our Chair, Nancy McWood, October 17, 2005, passed
10   unanimously 8-0 by a quorum of eight of nine
11   commissioners." And we would have had more to say had
12   we known there were three other bills.
13   Now, may I change hats just for a moment? As a
14   tenant, obviously I'm extremely interested in tenants'
15   rights. I've been listening to your testimony in
16   between classes today. I did get a chance to hear Mr.
17   Martin, who represents my tenant association. When he
18   mentioned about three apartments that had vacancy
19   increases on renewal, I'm one of those.
20   And not only that, but I've been doing research.
21   I've been down at DCRA. I've gone through about 265
22   out of nearly 500 files for our building thus far. And

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1   I have found our landlord double dipping, in some cases
2   in my present apartment taking the annual increase and
3   the vacancy increase at the same time; in many
4   apartments, taking a vacancy increase, in one case 947
5   percent on a vacancy because an elderly lady vacated
6   her apartment. It went up from about $800 something to
7    $8,800 and something. Right now, mine is $8,330, and
8   I'm paying $1,565 in rent, which I think is still
9   excessive, but unless -- I'm like other tenants allowed
10   to go back and challenge all the illegal increases on
11   all the apartments for the comparable increases were
12   taken, we'll never really find out what really was
13   supposed to take place in the building.
14   And it's really atrocious that landlords are
15   getting away with sticking us, and at the same time,
16   not providing services. And I wanted to say thank you
17   to you and your staff for assisting in our turmoil this
18   week with no heat in the building for rents like that.
19   CHAIRMAN GRAHAM: Yes, thank you very much. We
20   have been involved with your building this week.
21   COMMISSIONER LINDEMAN: Intimately, and not just
22   this week, but over the course of several months. And

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1   there's more to come, Councilmember Graham. You
2   deserve gold stars. And Mr. Cohen deserves gold stars,
3   and everybody else on your staff.
4   CHAIRMAN GRAHAM: Well, we like gold stars.
5   COMMISSIONER LINDEMAN: And teachers give away
6   gold stars.
7   CHAIRMAN GRAHAM: And that reminds me of an
8   earlier time in my life. But thank you very much,
9   Commissioner. We appreciate that.
10   And now, we go to Mr. Silvers -- Mr. Silvers, for
11   your testimony. Silvers.
12   MR. SILVERS: Silvers -- yes, it's Silvers.
13   CHAIRMAN GRAHAM: I beg your pardon.
14   MR. SILVER: Most of my friends call me Silverman,
15   so that's okay.
16   CHAIRMAN GRAHAM: Could you speak into the
17   microphone?
18   MR. SILVER: Oh, sorry about that.
19   Mr. Graham, I have worked in Washington in
20   property management since 1987. Prior to starting my
21   professional career in real estate, I worked with the
22   Adams Morgan Community Development as a volunteer, H

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1   Street Community Development Corporation as a
2   volunteer. And even though I work professionally with
3   the real estate company and the property management,
4   I've always considered myself a tenant advocate.
5   And with that said, I, like many landlords and
6   property managers, are advocates of affordable housing
7   and sensible rent control. Many of the properties in
8   Washington, particularly my properties, we have tenants
9   which have resided in those properties since 1969. So,
10   the rents have been suppressed for a long, long time.
11   Oftentimes when the tenants move out, our only
12   hope of recovering is really the vacancy increase, you
13   know, in particularly the 213(b), being able to push
14   that rent up to the highest comparable level.
15   Our properties, like many of the properties and
16   many of the landowners in Washington, have faced
17   increasing costs of utilities, 18 percent with --
18   CHAIRMAN GRAHAM: You're not being picked up on
19   the -- you have to speak directly into the microphone.
20   MR. SILVER: Oh, okay. Sorry about that. Is that
21   better?
22   With my group of properties, we've faced

91 (Pages 358 to 361)

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1 incredible increases across the board, 18 percent
2 increase with Pepco. Over the last few years, we've
3 faced a 10 percent increase in water with WASA, a 30
4 percent increase in gas this year with Washington Gas
5 and Light alone, and we anticipate that that's going up
6 considerably.
7   When a tenant moves out of the unit, our only hope
8 of being able to address these ever increasing costs is
9 the 213(b), being able to go up on the rent to the
10 highest comparable unit.
11   In any event, in many of our properties, like I
12 was saying before, we have tenants that have resided in
13 these properties for 30, 35 years, so these rents have
14 been suppressed for a long time. And if we're
15 permitted only that one percent increase for each year
16 since the last vacancy increase, for us that's going to
17 be hard because we haven't -- that's a long time to go
18 without being able to push your rents up to market.
19   With many of our properties, we've been able to
20 keep the rents down on the older tenants, which is sort
21 of our goal. Many of us recognize the fact that our
22 older tenants are usually the ones on fixed incomes;

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1 thus, they're the ones who can least afford a cap to
2 pay the rents on a capital improvement, a hardship
3 petition, or any other type of special petition that
4 allows their rent to go up beyond the normal CPI.
5   If landlords are faced with this one percent since
6 the last vacancy increase, they're going to lose
7 income. They're going to lose income. They're not
8 going to be able to do -- make major improvements in
9 their properties, such as -- for example, right now
10 with the utilities costs being what they are, most
11 landlords are really focusing on preventive maintenance
12 with respect to their heating and air systems, trying
13 to make them run as efficiently as humanly possible.
14   However, with that said, with that said, there are
15 times when you simply have to replace these units. And
16 as units become vacant, you typically make the decision
17 then to go in and to gut the unit out, to replace the
18 unit with a more effective, more efficient unit. If
19 you're only allowed that one percent since the last
20 vacancy increase, it's really going to put you in a
21 shell. It's going to make it much more difficult for
22 you to do that.

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1   Most landlords enjoy the 213(b) because it allows
2 them to pass the buck onto the newer tenants and allow
3 their older tenants to pay the lower rents.
4   We've been -- I mean, we had a tenant who just
5 this past Friday, she lived in one of our buildings
6 since 1968. In our particular case, not only do we
7 manage our buildings, but we've built all of our
8 buildings from scratch. So, we have a real affinity
9 for most of our tenants, and we really try to work with
10 them.
11   And we've never had a complaint with DCRA on an
12 illegal rent increase. We rarely ever get -- we rarely
13 ever have inspectors at the properties for housing
14 infractions.
15   Sorry. That's it. Thank you.
16   CHAIRMAN GRAHAM: Thank you, Mr. Silvers.
17   And now we go to Mary Hueg.
18   MS. HUEG: Thank you for seeing me today. I am
19 here to oppose Bill Number B. 16-457, the Rent Control
20 Reform Amendment Act of 2005.
21   I manage two mid-size apartment communities in the
22 Northeast district. The buildings are very old. They

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1 were built in the early 30s. And they're very costly
2 to maintain.
3   In addition to the costs just to maintain the
4 buildings, our rents include utilities.
5   At this time looking into the near future, we are
6 experiencing substantial increased costs in the utility
7 area as well as the property taxes and the increased
8 insurance premiums.
9   I have many long-term residents in both locations
10 that are considerably under market rents. This bill
11 force the housing providers to raise the rents on these
12 long-term residents more aggressively than we would
13 have otherwise.
14   The highest comparable provision allows us to
15 catch up the rent on the vacant apartment that was just
16 occupied by a long-term resident. The new resident
17 would pay an amount closer to what the actual market
18 rent would be. When this process is done, there is
19 less pressure to raise rents on existing residents.
20   Without the ability to balance the rents in my
21 building, to charge the new residents the higher rents,
22 I would have no choice but to raise the rents of my

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1 current residents.

2   Both buildings have had significant improvements

3 -- new front entrance, monitoring cameras, trash

4 compactors, renovated building lobbies, and even more

5 for the year 2006. This work was done without

6 substantial rent increases on current residents because

7 the vacancy turnover provision that has been a part of

8 an essential part of housing providers' ability to

9 invest in upgrades and maintenance of our buildings has

10 allowed us to recover more of the costs from the new

11 residents.

12   If I don't have the ability to charge the higher

13 rents on the vacant units and this bill puts new more

14 severe restrictions on increases than we can hand out

15 to the current residents, the Council would be ensuring

16 that less money will be spent on maintaining and

17 improving the city's rental housing.

18   None of the buildings all around my communities

19 have been converted to luxury condominium buildings.

20 It's also affecting the prospective renter coming into

21 Washington, D.C. to have less of an opportunity to a

22 moderately priced rental in the District.

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1   I didn't add that I'm new to the area, so I am

2 learning the Washington law and have been going through

3 seminars to grasp how this whole system works. But

4 that's all I had to add today.

5   CHAIRMAN GRAHAM: Thank you very much, Ms. Hueg.

6 Mr. Johnson?

7   MR. JOHNSON: Yes. Thank you very much, Chairman

8 Graham. I'll just briefly state that I'm President of

9 the Dorchester Tenants Association. I've been a tenant

10 and a board member for 26 years. I also -- I am Chair

11 of the Urban Housing Alliance, which is a community

12 based organization that's concerned with displacement

13 of low and moderate income persons.

14   In regard to Bill 1648, Disclosure of the Rent

15 Ceiling Calculation, this bill is essential is rent

16 control or rent stabilization is to have a meaning.

17 First, I must say that rent ceilings should be removed.

18   However, in regard to this bill, it's essential that

19 the rent ceiling information be provided not just to

20 current tenants, but to prospective tenants upon

21 application for a rent control unit.

22   Secondly, I would add that it's critical that the

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1 purpose and approval dates of all capital improvement

2 petitions that have not been applied, that this

3 information would be included in the information that

4 the tenant or prospective tenant would receive.

5   Additionally, the need to focus on the exploration

6 of capital improvements because despite the long time

7 that I've lived in the Dorchester and the 16 years

8 during which there have been very aggressive capital

9 improvements, there's been nothing that has been a

10 reduction in our rents. So, that's, I think, a

11 critical issue.

12   With regard to Bill 1651, there's no public

13 benefit or justice in allowing a landlord to continue

14 charging an illegal rent or using an illegal rent

15 ceiling because of the amount of time that's passed

16 between the current time and since the calculation was

17 made. I have to refer to this as the stop stealing

18 act, and I think that it's critical that landlords in

19 that regard who are taking unfair advantage stop

20 stealing from tenants.

21   There's a case that you may be well aware of, TP

22 3788, that goes back to 1978, and it's follow-on cases.

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1   These are all based on findings that DCRA

2 substantiated of charges -- rent charges that were made

3 inappropriately.

4   Housing providers must be held accountable for the

5 rent ceiling calculations if the tenant is to have a

6 possibility of confirming or disputing the rent

7 ceiling. Often used opposing argument is that the

8 building was recently sold and a new buyer may not have

9 records. In a rent control city, a buyer has, as part

10 of its due diligence, a requirement to get this kind of

11 information so that there would be these kinds of

12 records available.

13   With regard to Bill 16-109, and I'm sprinting

14 through rather quickly to just hit the highlights of

15 these. Over the course of a lease, most rents amount

16 to the greatest expense facing a tenant. There's no

17 legitimate reason to deny tenants the right to

18 essential identified information in the bill. We have

19 a truth in lending bill that relates to the purchase of

20 major property, such as cars, such as homes. This is

21 effectively the same kind of thing for renter.

22   In regards to the Bill 16-457, the Rent Control

93 (Pages 366 to 369)

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1 Reform Amendment Act of 2005, I think that Section 213
2 should be amended in favor of the bill, but there's
3 need for amendment. The one percent increase should be
4 made on the rent charge, not on the rent ceiling.
5   Secondly, the total amount of such an increase
6 should be capped at 10 percent. Thirdly, there should
7 be a $50 limit on any rent increase. These kinds of
8 egregious rent increases that people have had to face
9 in the absence of this bill really help to displace low
10 and moderate income persons.
11   Making the changes I requested will benefit
12 tenants and discourage the practice of some housing
13 providers to push out long-term and senior tenants so
14 they can reap a bonus in aggressively pushing for
15 vacancy increases. And I frankly know of many abuses,
16 including a Dorchester resident manager who reportedly
17 often angrily told elderly tenants that they should go
18 into a nursing home just to get them out of their
19 apartments that they've lived in a for a long period of
20 time.
21   With regards to Bill 16-458, the Tenants Right to
22 Organize, while we endorse it, we certainly believe

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1 that there are several important additions that need to
2 be made. First, the right to organize should be
3 available to all tenants in the District, not just
4 those in buildings built before 1975.
5   Additionally, this right should be made available
6 to tenants and subsidized in public housing. There's
7 no reason for them to be disenfranchised, and I think
8 we're looking at a constitutional problem in this
9 regard.
10   And I will wrap up with just these final points.
11 In Section 606(c)(5), it should be expanded to include
12 permitting meetings in lobbies. In many buildings,
13 lobbies are the only available common space. That, I
14 think, is a key element.
15   Additionally, housing providers should be required
16 to allow tenant organizations and tenant organizers to
17 use the building's non-postal internal mailboxes for
18 the distribution of communications associated with
19 tenant associations. Mailboxes are a reasonable
20 accommodation that's often denied organizations and
21 tenant associations.
22   Tenants should be able to sue for damages

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1 additionally in regard to the penalties for a violation
2 of this law. And these damages include lost revenue
3 expenses and non-attorney costs for tenants.
4   Lastly, the $10,000 base fine should be indexed to
5 the CPI so that its significance will not diminish over
6 time.
7   Thank you for the opportunity to present these
8 issues and concerns. I'd be pleased to respond to your
9 questions and to work with you in regard to
10 strengthening these bills.
11   CHAIRMAN GRAHAM: Well, thank you very much.
12 We're going to want to go over your very thoughtful and
13 specific suggestions, Mr. Johnson. I do believe,
14 though, that the right of tenants to organize applies
15 to any tenant in the District of Columbia.
16   MR. JOHNSON: Okay.
17   CHAIRMAN GRAHAM: So, I know, you know, that would
18 be very problematic. I immediately got alarmed to
19 think that we were just applying it to rent control
20 buildings. But we will look very carefully at your
21 other points as well.
22   And we did also -- I have now confirmed that the

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1 base fine is linked to the CPI.
2   MR. JOHNSON: Okay.
3   CHAIRMAN GRAHAM: And so, it will increase over
4 time. So, we'll look at all of those points, but we
5 very much appreciate you making them.
6   And thank you very much for your ANC Commission
7 resolution.
8   COMMISSIONER LINDEMAN: Thank you. And, you know,
9 working diligently as a renter, my single member
10 district in Woodley Park is predominantly rental
11 housing, or I should say larger buildings. Most of my
12 constituents do not live in private homes, although
13 there are a lot of group homes in the neighborhood that
14 have been turned into apartments. The minority of my
15 constituency actually live in properties that they own,
16 and so I'm representing a lot of people.
17   And, you know, the 10 percent cap would be
18 wonderful. If you'll bear with me for one moment, last
19 year I was faced with an increase in my own apartment
20 if I didn't sign on to one of these flexible leases
21 where then they took this, you know, vacancy increase.
22 I would've had a $631 rent increase. That was nearly

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1　50 percent.

2　　And if I chose to continue on 12 months with one

3　of these outrageous flexible leases, which I think

4　should not even be legal, I was given $261 increase.

5　And the apartment in which I just moved, I asked about

6　all the information, the breakdown on what the possible

7　increases could be in the future. I had to move for a

8　number of reasons, a defective apartment. But now I'm

9　faced with one of the multiple choices that the

10　landlord can take of a potential $2,900 increase

11　legally because there's not just the rent that you're

12　charged and the rent ceiling, there's the highest

13　allowable, maximum allowable rent. And they could if

14　they want to hit this very active tenant with an

15　increase to drive me out of the building. They could

16　hit me with a $2,900 rent increase next year. That's

17　just outrageous.

18　　CHAIRMAN GRAHAM: Well, Commissioner, I want to --

19　you know, you've testified that you received a vacancy.

20　You were treated as if you were vacant.

21　　COMMISSIONER LINDEMAN: And I wasn't vacant; I was

22　in the very same apartment behind the same door with

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1　the same furniture.

2　　CHAIRMAN GRAHAM: Right. We have --

3　　COMMISSIONER LINDEMAN: And it's part of the

4　tenant -- it's not part of this tenant petition, but

5　that just shouldn't be allowed. And the double dipping

6　where they've taken a vacancy increase and they've

7　taken the annual increase on the same documents that

8　DCRA has on file, or where they take a vacancy

9　increase, but then they didn't like it and they have .

10　another higher comparable apartment a few months later

11　when the apartment's still vacant, they'll take another

12　vacancy increase to a different highest comparable.

13　　CHAIRMAN GRAHAM: Well, I'm just going to suggest,

14　Commissioner, Ms. Zapata is here. I think --

15　　COMMISSIONER LINDEMAN: Ms. Zapata and I know each

16　other quite well.

17　　CHAIRMAN GRAHAM: Well then, I think you should

18　further enhance that relationship because I would like

19　to know what's going on here.

20　　Now, let me just say --

21　　COMMISSIONER LINDEMAN: And, like I said, this is

22　from analyzing 265 documents.

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1　　CHAIRMAN GRAHAM: No, let me speak. Commissioner.

2　Commissioner, please.

3　　COMMISSIONER LINDEMAN: Sure.

4　　CHAIRMAN GRAHAM: Please, please, please. You

5　must permit me to be the chairman.

6　　COMMISSIONER LINDEMAN: I'm sorry.

7　　[Laughter.]

8　　CHAIRMAN GRAHAM: You know. Mary Hueg, you know,

9　I think you have put your finger on this dilemma that

10　we have, I really do. And just testimony and just a

11　few words actually. I think you have really nailed

12　this for me. And, you know, because there is a dilemma

13　here, you know, and we're going to look into this whole

14　petition process and why it's not being used, and how

15　efficient or inefficient it is.

16　　But you make the point that the vacancy turnover

17　provision has been extremely important to landlords to

18　catch up. Others have said that same thing.

19　　MS. HUEG: Yes.

20　　CHAIRMAN GRAHAM: The problem is that by --

21　through the process of catching up, we no longer have

22　these affordable units. So, you see, when people have

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1　testified here, oh, Councilmember, the sky is going to

2　fall, all of this is going to be condo, it's all going

3　to be sold off, you won't have any rental housing

4　that's affordable.

5　　You know, the fact of the matter is that if we

6　maintain the status quo, it's happening. And I can

7　tell you I don't need any study, although the studies

8　are helpful, I know from Ward 1 that it's happening, is

9　that apartment by apartment, whole buildings are

10　becoming luxury that previously were affordable.

11　　So, you see, if we do nothing, it's going to be

12　the same result under one theory of how to — well, of

13　what's going to happen. Do you understand what I'm

14　saying?

15　　MS. HUEG: Yes.

16　　CHAIRMAN GRAHAM: Because, you know, we have

17　somewhat stood by. And I've only been chairman of this

18　committee since January 1st of this year. I think I've

19　moved with -- this is an immodest statement, so brace

20　yourself -- with remarkable, you know, speed, you know,

21　in terms of addressing a whole raft of issues that

22　heretofore were unaddressed. So, I've had only 10

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1　months of this, you know, and we've done a lot in 10
2　months, and we're going to do more in the next 10
3　months.
4　　But the fact of the matter is that for a long
5　period of time in a red hot real estate market, you
6　know, this government did nothing about these rent
7　control strictures. And what has resulted is these
8　luxury apartment buildings where previously they were
9　affordable apartment buildings.
10　　So, I can look into the future somewhat, and I
11　know what the future holds. Now, we had a witness
12　earlier here who had no rent control. She wasn't
13　subject to rent control. So, she's subject to sky high
14　increases. We're very sorry, but that's just your
15　reality. At least we have a vestige of control here
16　that is actually benefiting people.
17　　So, I think for me, you know, you really opened
18　the door to really understanding this, because if we do
19　nothing, we're going to lose these affordable units.
20　　In any neighborhood that has a red hot real estate
21　market, which is all of Ward 1, these units are going
22　to vanish or continue to vanish. And if we do

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1　something, well, maybe there will be more buildings
2　that will go condo. Maybe there will be buildings that
3　will be sold and that the historic owners give up.
4　Maybe that will happen. But I think there's a better
5　chance of maintaining affordability that route than
6　doing nothing. And I would appreciate -- your
7　testimony is so thoughtful on this point.
8　　MS. HUEG: Thank you.
9　　CHAIRMAN GRAHAM: I'd appreciate your response.
10　　MS. HUEG: Thank you.
11　　CHAIRMAN GRAHAM: What do you say?
12　　MS. HUEG: I mean, I'm learning the process
13　myself. We actually use RCC to help us to keep the
14　guidelines, you know, forward and, you know, so that
15　we've kind of taken it out of the hands of the
16　operation of the office so that we stay tight with the
17　rent control there.
18　　You know, just learning, taking on the vacants
19　with the increases rather than looking for something
20　from the current residents, because we do have some
21　long-term residents in these buildings. That's where
22　we've been using some of the funds to, you know, make

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1　up some of the work that we've been doing here, but
2　very little. We've taken most of it on ourselves. And
3　I'm just here to speak today to say that we're, you
4　know, we've been good with what we have now. We're
5　just trying to find a way that works.
6　　CHAIRMAN GRAHAM: If you look with me, and I know
7　you don't have this, but, of course, the Commissioner
8　knows this. But Alex Martin put together this really
9　some helpful, you know, factual information.
10　　If you look at this, which is the Cleveland House
11　apartments, you know, you have 200 -- more than 240
12　apartments here. And I haven't studied this. I
13　obviously haven't had time to study this. But I'd say
14　there were not a half a dozen apartments than this list
15　of rent ceilings that had a rent ceiling under $1,000,
16　not a half a dozen.
17　　And what you're also saying in your testimony --
18　I'm sorry to emphasize your testimony so much, but it
19　was really very good.
20　　MS. HUEG: Well, thank you.
21　　CHAIRMAN GRAHAM: Is what you're also saying, and
22　you're right, is that some of these few apartments, and

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1　there are very few indeed, they will no longer be
2　having these terribly low rent ceilings because as we
3　encourage people to file petitions for one reason or
4　another, you know, the rent ceilings in a specific unit
5　or building wide, and it can be either, are going to go
6　up. They're going to go up because the fact of the
7　matter is, that is what the law provides unless we
8　change that portion of the law. And the owners in that
9　case would have, you know, even less incentive to do
10　anything at all.
11　　MS. HUEG: Right.
12　　COMMISSIONER LINDEMAN: Councilmember, in one
13　apartment in that building, it's not quite accurately
14　reflected there because they took the increase before.
15　I believe it's apartment 307.
16　　The previous rent charged was about $843 a month.
17　　CHAIRMAN GRAHAM: I don't have a 307.
18　　COMMISSIONER LINDEMAN: 306 then.
19　　CHAIRMAN GRAHAM: Okay.
20　　COMMISSIONER LINDEMAN: The elderly tenant died.
21　As soon as she left, the rent ceiling went up to
22　$8,111, and then up to $8,330 before a new tenant

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1 rented at a rent of probably about $1,600 a month.

2 CHAIRMAN GRAHAM: As you see.

3 COMMISSIONER LINDEMAN: That's just outrageous.

4 That's almost 1,000 percent.

5 CHAIRMAN GRAHAM: That's the point, Commissioner.

6 So, we have to surrender as in the -- I'm so glad you

7 mentioned that specific apartment. You know, to do

8 nothing is to surrender to that reality, is to say it's

9 all gone, and that the Cleveland -- I mean, I would say

10 that the Cleveland House is really -- I mean, you talk

11 about and you want a case for a -- you want to see

12 gentrification, you see it right here, you know.

13 And what's the other side, if you will, and there

14 has been two sides to this discussion today, saying,

15 leave us alone so that we can -- so that all of these

16 affordable units, when they're in red hot real estate

17 markets, are going to vanish.

18 And what I'm saying in response, and I am willing

19 to work on this. I am willing to have a dialogue about

20 this. I think we have to do it in mutual respect, but

21 you've got to understand that that's what's at stake.

22 And I can give you building after building, Mr.

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1 Johnson, you know what I'm talking about.

2 MR. JOHNSON: Absolutely.

3 CHAIRMAN GRAHAM: Building after building in my

4 neighborhood where we've lost them irretrievably, and

5 that affects the diversity of the neighborhood. It

6 affects who lives in the neighborhood. I mean, this is

7 a key issue for us.

8 So, if what I presented is no good for whatever

9 reason, tell me what you want to do that will have as a

10 result the preservation of affordable housing in these

11 rental units. Mr. Johnson?

12 MR. JOHNSON: Yes. Councilmember Graham, it

13 wasn't too many years ago that the Nathanson report was

14 very highly touted by our control board. And one of

15 the conclusions that they came out with was that the

16 rents in the District were comparable to those in the

17 suburbs. Now, as a result of that conclusion, they

18 said we don't need control.

19 Well, I think another conclusion could be drawn

20 from that fact, and that is that rent control is

21 totally and completely impotent at that time, and we

22 desperately need rent control, and we need to have it

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1 strengthened.

2 CHAIRMAN GRAHAM: Well, if I may say, Mr. Johnson,

3 I mean, the testimony -- let me get this right -- of

4 Lauren Bladen White, you know, that was a little

5 glimpse. I mean, she came here from a non-rent control

6 building to report that, you know, the owner decided,

7 well, for whatever reason your rents are going up 60

8 percent. And, you know, and there you have it.

9 And so, as weak as our current rent control might

10 be, and I think a lot of people do consider it weak,

11 it's a thumb in the dyke.

12 Now, let's -- we can come back to you,

13 Commissioner. I know you have a great many thoughts on

14 this issue, but let's see what Mr. Silvers has to say.

15 MR. SILVERS: Well, my concern with this -- I'm

16 listening to her regarding the unit where the rent went

17 up by $8,000. Oftentimes when you see these increased

18 rents on the vacancy increase, it's a reflection of

19 turnover. It's a reflection there have been a lot of

20 evictions. It's a reflection of a lot of move outs.

21 The landlord has to be given the opportunity to

22 recover from these losses. I mean, vacancy increases

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1 on the flip side, it says the landlord is losing

2 income. Tenants are moving. They're vacating the

3 premises whether they're moving on their own or whether

4 they're being evicted from the premises. There are

5 actual losses being incurred by the landlord. The

6 vacancy increases have traditionally allowed the

7 landlord to recover those losses.

8 If you're a tenant and you're paying that, it's

9 one thing. But vacancy increases are few and far in

10 between. In her particular case, I'm not certain what

11 happened there because that doesn't seem to be too

12 kosher. However, in most instances, a tenant will move

13 out. You have the costs of making the unit ready for

14 the next tenant. You have the loss of income while the

15 unit is vacant. The vacancy increase is the perfect

16 mechanism to allow the landlord to recover that income.

17 Most landlords -- I mean, think about this. The

18 average -- the CPI has for the last couple of years

19 below three points. The cost across the table has been

20 skyrocketing. There has to be some means test whereas

21 landlords are allowed the opportunity to recover their

22 losses.

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1 If you don't have the vacancy increase, what are

2 you going to do? Most landlords don't want to do a

3 hardship if they can avoid it. Most landlords don't

4 want to do a capital improvement.

5 If you're giving -- if the only opportunity you're

6 giving us to recover income is a capital improvement or

7 a hardship, then all the tenants are being hurt versus

8 a rare few. I mean, when you look at -- I think we

9 have probably 30 percent turnover per year. In that 30

10 percent, do you want to know what our costs are with

11 respect to refurbishing those units or the money that

12 we lose? And not even to speak to the process of

13 getting tenants who are not responsible out of these

14 units. So, that's a totally different issue.

15 But the vacancy increase is really the only

16 mechanism we have. The ceilings -- the tenants have

17 been the benefits of low CPIs for the last couple of

18 years. Most of my tenants are paying -- most of my

19 properties are in Ward 7 and in Ward 8. I think on

20 average they pay $650 for a two bedroom. Their rent

21 includes everything. If the gas goes up by a million

22 dollars, they could care less. It's not their

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1 responsibility, you know.

2 So, the question is, who helps -- who assists the

3 landlord in trying to maintain affordable rents? If

4 you don't give us this mechanism, then perhaps the

5 landlord is faced with no other choice but to sell the

6 building because contrary to what many tenants think,

7 all landlords are not wealthy landlords.

8 CHAIRMAN GRAHAM: But, Mr. Silvers, the current

9 message in the status quo to a lot of people is -- and

10 I'm talking about the neighborhoods I know, the message

11 is you can't live here anymore; go somewhere else. We

12 don't know where you're going. We don't know whether

13 you're leaving the District of Columbia. We don't know

14 nothing. But there is no place for you in fill in the

15 blank. And, you know, I had someone involved in this

16 business say that to me the other day. He said, well,

17 you're just not in this building anymore. That's it.

18 And, you see, that's -- if we do nothing, and I'm

19 not saying I have the best idea in the whole world.

20 But if we do nothing, that's going to be the result, as

21 sure as I am sitting in this seat, in terms of

22 affordable rentals in the neighborhoods I know best.

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1 MR. SILVERS: Right.

2 CHAIRMAN GRAHAM: And that I've worked in for

3 seven years.

4 MR. SILVERS: Well, my concern --

5 CHAIRMAN GRAHAM: And so, I can't do that.

6 MR. SILVERS: No, and my concern, too, is sort of

7 this immediate translation that if you sell, it's going

8 to turn to condos. I mean, tenants rights are still --

9 last --

10 CHAIRMAN GRAHAM: I'm less concerned about the

11 sale because now that we've got the Tenant Opportunity

12 to Purchase Act in place correctly, and we've got the

13 other protections for tenants, I mean, the worst case

14 -- and we've got the Housing Production Trust Fund with

15 $80 million in it. I mean, the worst case in many

16 cases is going to be that those people who are renting

17 become owners.

18 Now, you know, that isn't terribly troubling to

19 me, you know. I'd rather there be affordable rentals,

20 but on the other hand, if people have the opportunity

21 to have -- own their apartments, own their homes, you

22 know, there's much to be said for that.

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1 MR. SILVERS: No, I understand that, and I respect

2 it. I've lived in Washington since 1968, and I say

3 this --

4 CHAIRMAN GRAHAM: Now, I got to say something

5 else. Now, if the landlords seriously neglect their

6 building, then we've got another response because we've

7 got a far more aggressive DCRA. Our fines are higher

8 than ever, you know. We'll be on these guys in a way

9 that they don't -- they've never experienced from DCRA.

10 MR. SILVERS: Right. Well, as a matter of fact, I

11 don't want to come to that, but since you mentioned it,

12 I deal with -- I live in DCRA. I think I should set up

13 a bed in the lobby of 941 North Capitol I spend so much

14 time there. And the one thing I can say, with respect

15 to just -- if we're talking a moment on code

16 enforceability issues, I was watching one of your

17 hearings regarding a property where the -- you could

18 not -- permit inspectors could not gain access to

19 inspect units.

20 And as a landlord, the one issue I run into, which

21 is a major problem, I have no issue with a tenant

22 calling an inspector or even occasionally, I will call

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1   the housing inspector if I think is being destructive

2   to the property or to the premises.

3   The issue is I have is a very basic one. I've had

4   minor infractions of vegetation, chipped paint,

5   batteries that were -- a smoke detector was chirping.

6   We're diligent about correcting things. We communicate

7   with DCRA. We communicate with the inspectors.

8   The issue I've noticed is that it is rocket

9   science to get an abatement letter to -- now oftentimes

10   things are closed out without abatement just because

11   the failure -- as a result of the failure to reenter

12   and to conclude that the new infraction has been

13   corrected.

14   CHAIRMAN GRAHAM: Well, you know, Mr. Silvers, I'm

15   going to interrupt you.

16   MR. SILVERS: Okay. We'll stop there. We'll stop

17   there, but --

18   CHAIRMAN GRAHAM: And let me thank you all for

19   being here today. I appreciate your testimony.

20   Now, we've spent a lot of time on this panel,

21   Commissioner. Please if you have a very brief closing

22   remark, please.

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1   COMMISSIONER LINDEMAN: Very brief. The atrocity

2   with this highest comparable is that one bedroom

3   apartments do turn over a lot more often. Our

4   building, that $8,000 some odd dollar figure is what

5   they're trying to bring every one bedroom apartment to.

6   The two bedrooms, the maximum is about $6,000, a three

7   bedroom about $4,000. And that's just absolutely

8   upside down from what it should be there. There's no

9   reason that a one bedroom should have a, you know,

10   twice as high a rent ceiling as perhaps, you know, a

11   much larger apartment.

12   And the comparable thing is what's driving it up,

13   especially when you add in flexible lease terms, or

14   where you limit tenants in some cases, like in our

15   building, to only being able to renew for six months so

16   that they can then renew you for 12 months in the

17   middle of the summer at the highest rental rate.

18   And when you limit people to two months, three

19   months --

20   CHAIRMAN GRAHAM: I'm going to cut you --

21   Commissioner, we have to --

22   COMMISSIONER LINDEMAN: It's just comparable

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1   increase after comparable.

2   CHAIRMAN GRAHAM: I was giving you a brief

3   opportunity, but I do appreciate your contribution. I

4   appreciate everybody's contribution to this. And, you

5   know, we will continue to have discussions about this.

6   We're going to try to figure this out.

7   Thank you very much.

8   Lorena Cabanas. Is Lorena Cabanas still here?

9   Rittenhouse. Femi Akanbi, are you here? Okay. John

10   B. Margolo, Vice President of the Aldon Management

11   Corporation. Okay, Mr. Margolo, please take a seat.

12   Chad Hill, Senior Vice President of Horning Brothers.

13   Is Mr. Hill here? Karen Williamson. I see Ms.

14   Williamson is here. Jeffrey Gehlmann, Chair to the

15   CDBIA Housing. Jeffrey Gehlmann, are you here? Will

16   you please come forward? Olivia Clayben, we've heard

17   from. William Stokes? William Stokes? Natalie Labal.

18   Natalie Label. Stephanie Clipper? Are you here, Ms.

19   Clipper? All right, good. All right.

20   Now, let's see what we've got here. Mr. Margolo

21   from Alban Management.

22   MR. MARGOLO: Yes, sir?

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1   CHAIRMAN GRAHAM: Are you representing Alban

2   Management?

3   MR. MARGOLO: Yes, sir.

4   CHAIRMAN GRAHAM: So, you have five minutes.

5   Karen Williamson, President of the Barclay Tenants

6   Association, are you representing Barclay?

7   MS. WILLIAMSON: Yes.

8   CHAIRMAN GRAHAM: You have five minutes. Jeffrey

9   Gehlmann from the D.C. Building Industry Association?

10   MR. GEHLMANN: Yes.

11   CHAIRMAN GRAHAM: You have five minutes.

12   MR. GEHLMANN: Thank you.

13   CHAIRMAN GRAHAM: And Stephanie Clipper, are you

14   representing anyone?

15   MS. CLIPPER: No.

16   CHAIRMAN GRAHAM: Okay. You have three minutes.

17   MS. CLIPPER: Thank you.

18   CHAIRMAN GRAHAM: So, did you get that, Mr. Adams?

19   So, the first three witnesses have five minutes, and

20   then Ms. Clipper, who is representing herself, has

21   three minutes. It sounds like we're discriminating or

22   something, but that's the rule of the Council.

99 (Pages 390 to 393)

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1   So, let's now go to John B. Margolo, Vice

2 President, Alban Management Corporation.

3   MR. MARGOLO: Okay, thank you. I'm here today

4 representing Aldon Management Corporation, which is a

5 family owned management company which primarily manages

6 buildings owned substantially by various members of the

7 same family. These buildings have been owned and

8 managed continuously since the 50s and 60s.

9   We have less turnover than many other landlords.

10 As a result, we have a substantial number of long-term

11 tenants in both of our properties in and around 14th

12 and Aspen and upper Connecticut Avenue. Part of the

13 reason is that we have historically raised the rental

14 rates on existing tenants much less than street tenants

15 to new tenants at turnover.

16   The 14th and Aspen properties have had new windows

17 installed approximately two years ago. Our rent

18 increases to the new tenants have helped to set off

19 that expense. Those windows add to the appearance, but

20 also save energy.

21   We have begun a renovation program at the Upper

22 Connecticut Avenue property. The unit renovations are

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1 being done at the turnover. These units have not been

2 renovated since the initial construction in 1963. We

3 have had a building contract to renovate the units and

4 the rent increases, which would be within the ceiling

5 limitations, would make it feasible to make such

6 changes. To change the economic assumptions for the

7 property after the contract has been started would seem

8 to create a difficult situation.

9   I'd like to make the point that it makes little

10 sense to change the rules at a time when utility costs

11 are rising much faster than rents. The increase in

12 costs wholly outside our control, real estate taxes,

13 electric, water, gas, and oil is the real issue for

14 those with older buildings such as ours which do not

15 have separate meters.

16   The profit squeeze created by an arbitrary

17 limitation without regard for the increased cost

18 landlord must deal with seems unreasonable.

19   In addition, some of the renovations should cause

20 a property to be more energy efficient. That would

21 seem to be more to the benefit of all concerned.

22   Just a brief comment on some of the other bills.

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1   Bill 16-458, this was seen to create a legitimate

2 organizer somewhat akin to a labor organization. It is

3 hard to imagine what benefit there would be to invite

4 such a third party intervener. There are a number of

5 attorneys in this town who are quite proficient to

6 assist tenants who want help with these issues.

7   Bill 16-109, this would be incredibly burdensome

8 to manage. Each unit has a separate history. This

9 creates an enormous paperwork, and on balance is far

10 more work than any perceived benefit to the recipient.

11   Bill 1651, allowing a tenant to challenge rent

12 adjustments from the original base makes the tenant

13 into a bounty hunter. Why is the current tenant

14 entitled to anything related to a time prior to his

15 tenancy? Certainly the current tenant is entitled to

16 an adjustment to the current rent level and to a refund

17 for any amounts that the current rent paid, which were

18 improper within the statute of limitations.

19   Thank you.

20   CHAIRMAN GRAHAM: Well, thank you, Mr. Aldon.

21   Now, let's see, we got to do this in order. No,

22 Mr. Margolo representing Aldon. I beg your pardon.

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1   MR. MARGOLO: Right. I wish I was Mr. Aldon.

2   CHAIRMAN GRAHAM: Yes. You'd probably be in

3 Capris or something.

4   MR. MARGOLO: Yeah.

5   CHAIRMAN GRAHAM: Let's see, Karen Williamson,

6 President of the Barclay Tenants Association.

7   MS. WILLIAMSON: Is this right to talk like this?

8   CHAIRMAN GRAHAM: You should really bring it

9 closer.

10   MS. WILLIAMSON: Like that?

11   CHAIRMAN GRAHAM: Yeah.

12   MS. WILLIAMSON: Okay. Okay. My name is Karen

13 Williamson, and I'm testifying on behalf of the Barclay

14 Tenants Association, which is located at 1616 16th

15 Street, Northwest, in Ward 2.

16   I want to thank you, Mr. Graham, and all the other

17 councilmembers for introducing this rent control

18 legislation. I agree with the Washington Post when it

19 said that this is the first rent control legislation to

20 be introduced that strengthens rent control in about 20

21 years. So, I want to thank you very much for

22 introducing the legislation and for the other

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1 councilmembers for doing that.

2   And I want to thank you for the work that you did

3 recently on the 95/5 legislation since you know that my

4 building is, you know, one of the ones that was

5 affected by that.

6   I would like to say that I've lived in my building

7 since 1975, and my rent is about $700 a month now.

8 During the time that I have lived in my building, I've

9 seen the rents raised to -- for a one bedroom it is

10 $1,500 a month for the same one bedroom that I pay $700

11 for. For a two bedroom, the rent is currently now

12 $2,500 a month, and for an efficiency, the rent is

13 $1,000 a month. And this is in an older building that

14 doesn't have a lot of modern amenities, like central

15 air conditioning. It has a lot of repair work that

16 needs to be done.

17   I represent a moderate income tenant. I work in a

18 social service agency, and I make about $35,000 a year.

19 Mr. Graham, do you think that I could afford to pay

20 $1,500 a month rent on a $35,000 a year salary? No.

21 So, what has happened is -- fortunately for me I like

22 my neighborhood and I like my apartment. But if I

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1 wanted to move anywhere in this city, I couldn't move

2 because I can't afford to pay the kind of rents that

3 they're charging now.

4   My neighbors that live in the building don't live

5 alone; they live together so that they can afford the

6 rent. And even then, they often can't afford the rent.

7 They have to borrow from their parents to pay for the

8 rent.

9   The only way that this can be stopped is the

10 passage of Bill 16-457, which does away with the

11 highest comparable rent increases. That's why this has

12 happened. My building has a rapid turnover, and every

13 time it turns over, the rates go up. So, that's why

14 the rent is so high.

15   The tenant advocacy groups that I've worked with

16 have a phrase that they use for this. They call it de

17 facto vacancy de-control, and that's actually what has

18 happened.

19   Also, I want to say that many tenants that live

20 here in D.C. would like to become homeowners, but how

21 they can stay here and become homeowners when because

22 of the rents, they're forced to leave D.C. and go to

Page 400

1 the suburbs, way far out where they can afford. And,

2 of course, they're not going to come back downtown once

3 they get used to living out there.

4   Also, I feel that as a native Washingtonian and a

5 long-term tenant and resident of Washington, D.C., I

6 feel that Washington, D.C. should be an inclusive city.

7 It should be a city for low income, moderate income,

8 and high income people to live. And what I see going

9 on all around me is it's a city for high income people.

10 And I see that low income and even moderate income

11 people are being forced out. Like I said, the people

12 in my building, they live together; they don't live

13 alone. They borrow from their parents. They're just

14 barely scraping the money together to pay these rents

15 -- $2,500 a month for a young professional that's just

16 starting out? I mean, it's crazy. So, we have to pass

17 this bill I think.

18   So, I don't think that we should be put in this

19 position, and I don't think people should have to leave

20 D.C. and go to the suburbs. I don't think people

21 should have to stay in their one apartment and not be

22 able to move to another neighborhood because they can't

Page 401

1 afford it. I don't think people should be locked in

2 like this.

3   Also, I want to add that as a resident of D.C. and

4 a tenant, I feel that many people, despite what you

5 hear on the news about D.C. being an awful place to

6 live and all that, many of us want to live here. We

7 want to buy homes here. We want to be put in a

8 position where we can, and I don't think that these

9 rising rents are going to let us do it.

10   The last thing I'd like to say is I've heard a lot

11 of talk about long-term tenants living buildings that

12 pay a small amount. How many of these long-term

13 tenants are there? Who knows how many they are. The

14 tenant advocacy groups that I've worked with -- and

15 this is nothing against you, Mr. Graham, because you

16 weren't the head of DCRA then, but we asked DCRA to

17 tell us how many rent control buildings there are,

18 where these tenants are. They don't even know.

19 There's no numbers to show how many of these so-called

20 tenants that are getting away with low rents exist. My

21 guess is that there are not very many of them because

22 of what's happened.

101 (Pages 398 to 401)

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1 CHAIRMAN GRAHAM: Thank you very much, Ms.
2 Williamson. We want to complete our panel, and then
3 we'll have questions.
4 Jeffrey Gehlmann from the D.C. Building Industry
5 Association.
6 MR. GEHLMANN: Thank you. Chairman Graham and
7 members of the Committee on Consumer and Regulatory
8 Affairs, I am Jeff Gehlmann with the Law Firm of
9 Greenstein, DeLorme & Luchs. I also serve as Chairman
10 of the Housing Committee of the D.C. Building Industry
11 Association. DCBIA is a non-profit association
12 comprised over 400 firms representing thousands of
13 professionals engaged in the residential and commercial
14 real estate industry in the District of Columbia.
15 I am testifying today on behalf of the members of
16 DCBIA to express our strong opposition to the five
17 proposed legislative amendments to the rent control
18 law. My remarks will be of a general nature because
19 it's not realistic to believe that I can substantively
20 address the issues and complexities raised by these
21 unwise amendments in the few minutes allotted to me as
22 a spokesperson for the building industry in this

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1 hearing.
2 The rent control is a complex and anachronistic
3 law which was enacted in panic and haste because no
4 other solutions appeared available to address the
5 effects of rapidly rising rents. Who would think after
6 these many decades wiser concepts and programs would
7 not have arisen to truly address the needs of lower
8 income residents in the city? Why is the rent control
9 law an anachronism, abandoned by nearly every other
10 jurisdiction in this country? Because rent control is
11 an efficient and wasteful public policy and program.
12 Simply stated, it is not based on a tenant's income and
13 assets. Rent control is the only rental subsidy
14 program that I know of that has not one thread that
15 connects it to the income of the tenants. It is, in
16 great part, welfare for the rich.
17 This is rarely spoken about. Rent control applies
18 to approximately 100,000 units in the city. Assuming
19 the average occupancy of these units is 1.5 persons per
20 unit, then rent control applies to approximately
21 150,000 residents of the city. But neither I nor you
22 have any clue how many of these tenants are lower

Page 404

1 income.
2 Assuming that 50 percent are lower income, then
3 rent control results in subsidizing 75,000 residents
4 that do need assistance. Do the higher income tenants
5 benefit from the free and unnecessary rental subsidy,
6 and, thus, support rent control? You bet they do.
7 This unnecessary subsidy the government makes housing
8 providers pay for the benefit of higher income tenants
9 creates a political constituency of support for
10 politicians.
11 If the government were to bear the costs of
12 subsidizing 75,000 tenants that did not qualify for
13 assistance as lower income residents, it would be
14 considered scandalous, government at its worst.
15 Every politician which supported a program would
16 be run out of town. But because the government makes
17 the private sector housing provider pay for it, this
18 wasteful subsidy somehow becomes less scandalous to
19 everyone, except, of course, to the housing provider.
20 Let me remind this committee that it has been the
21 housing providers that have been providing the rental
22 subsidies under rent control since its earliest

Page 405

1 inception in the early 1970s and not the government.
2 Would this committee's support government subsidy
3 program that used public tax dollars to subsidize the
4 rents of $75,000 that did not need assistance? Of
5 course not. So, why would you support Band-Aid
6 amendments that further hurt housing providers, the
7 very providers and subsidizers of rent control housing?
8 The current chair of this committee has repeatedly
9 stated for the record that this government has no
10 business subsidizing housing units for tenants earning
11 $60,000 or $70,000 or more, but that is exactly what
12 rent control does, except it forces the housing
13 provider to pay the subsidy.
14 Where are the government rental subsidy programs
15 that would provide assistance to lower income
16 residents, with the cost of the subsidy being spread
17 over all taxpayers and not just housing providers.
18 This committee and the Council should be thanking
19 housing providers for their commitment and dedication,
20 for providing housing to the residents of this city,
21 and for providing rent control subsidies. The Federal
22 government has such rental subsidies, but the District

102 (Pages 402 to 405)

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1 government does not. You should take time to listen to
2 the housing providers.
3   The prior chairperson of this committee very
4 wisely understood the many complexities of the laws and
5 the problems raised by tenants and landlords, and knew
6 that the law needed comprehensive review and
7 improvement, not Band-Aid fixes. These proposed
8 amendments will do very little to benefit tenants and
9 are being promoted by a small group of tenant
10 advocates.
11   This committee is racing down a one-way street in
12 the wrong direction. It is a misconception to believe
13 that these piecemeal amendments designed to impose new
14 burdens and restrictions on rental housing will somehow
15 increase the availability of affordable rental housing.
16 Far more productive would be a comprehensive review of
17 this serious policy and problematic floors of the rent
18 control law from both the landlord and tenant
19 perspectives, and to responsibly develop programs that
20 address the affordable housing shortage in this city.
21   Thank you for the opportunity to provide these
22 remarks.

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1   CHAIRMAN GRAHAM: Thank you very much, Mr.
2 Gehlmann.
3   Stephanie Clipper.
4   MS. CLIPPER: Thank you. I've hung in there with
5 you for seven hours I think. My comments today concern
6 what I call rollover code violations.
7   For 14 years, I occupied successfully three units
8 in a Ward 2 high rise. The building was plagued by a
9 number of problems, including vermin.
10   In 2003, there was an escalation of the vermin
11 problem when a bed bug problem was disclosed.
12 Management's approach to the problem stood in contrast
13 to free and valuable advice offered by city
14 authorities. By mid-September there were 30 affected
15 units up from two in the span of a month. One person
16 said it hit rock bottom this weekend as I awoke at 3:00
17 a.m. covered with bed bugs sucking my blood.
18   Tenant-led attempts to get DCRA inspectors into
19 the building did not meet with success. When
20 authorities did get into the building, they levied
21 fines for failure to provide extermination of insect
22 vermin. There were no plans to treat the whole

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1 building as was recommended by D.C. government.
2   I moved 12 blocks away at a cost of $3,000, and a
3 long-term loss of perhaps $200,000 because I had to
4 adjust my retirements savings to absorb the new rent.
5 On the day of my move, D.C. inspectors came and shut
6 down the elevators. I overheard one say, hit them with
7 the same list from last year, fire code violations.
8 They levied several thousand more dollars in fines
9 against the building.
10   Meanwhile, the rents continued to go up as
11 unsuspecting residents, some from other parts of the
12 country, moved in knowing nothing of the building's
13 history or their right to a clean and safe environment
14 as ordered by law.
15   After I moved, one tenant said, the rents rise
16 inexorably while the overall quality of life here has
17 sunk to the lowest level possible.
18   I've heard a lot today about a lot of different
19 things, and one thing I wanted to mention is that this
20 problem in this building could have been solved had the
21 management company simply called a different vendor
22 from the one they were using for extermination. So,

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1 very often there is a far simpler fix than what some of
2 the suggestions are that we've heard today.
3   I do think the time for reform has come, and I
4 have a few very quick extraneous comments that involve
5 things that have not been mentioned today.
6   At one point there was mention, I think, by you
7 about ownership information, information about who owns
8 a building. If you look at the list of witnesses,
9 numbers 46 and 48 should give you an idea of how
10 sometimes the name of the company may be posted in the
11 lobby, but it really doesn't tell you anything about
12 who owns the building.
13   Secondly, I heard you say a couple of times
14 references to if tenants want a 24-hours secretarial
15 desk, they might be able to bring this up. I've never
16 been in the position to have been offered any kind of
17 discussion like that.
18   And, secondly -- lastly, I think some apartment
19 companies that manage buildings for owners may have
20 good intentions, but they have promised a certain rate
21 of return to the owner and are under pressure to
22 deliver.

103 (Pages 406 to 409)

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1   Thank you.
2   CHAIRMAN GRAHAM: Thank you very much, Ms.
3   Clipper. I appreciate your testimony. And your photos
4   -- we can return your photos if you'd like them back.
5   MS. CLIPPER: You can keep them as a souvenir.
6   CHAIRMAN GRAHAM: Okay, good.
7   I think, you know, again, I want to emphasize two
8   things. Number one, and we can discuss still again,
9   but I think we're really waiting now for Ms. Zapata's
10   testimony to see what's going on with all these
11   petitions that are available under existing law, and
12   that are undisturbed by anything that we're proposing.
13   But the second thing I would put to you, Mr.
14   Margolo, and to you, Mr. Gehlmann, is -- and you're
15   right, Mr. Gehlmann. I don't have a clue as to how
16   many of these 150,000 people are at what income or
17   another, but neither do you. You have chosen for your
18   testimony to suggest it's 50 percent. Well, I could
19   choose 30 percent. I could choose 10 percent. I could
20   choose one percent.
21   CHAIRMAN GRAHAM: That's my exact point.
22   CHAIRMAN GRAHAM: You chose 50 percent for

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1   dramatic impact, but it is meaningless to me because we
2   don't have the information. But what we do know is
3   that there are -- excuse me for pointing. My mother
4   would be aghast.
5   [Laughter.]
6   CHAIRMAN GRAHAM: I was thinking, do you think of
7   your mother a great deal? I do from time to time. But
8   anyway, there are Karen Williamsons, and I know a lot
9   of Karen Williamsons in Ward 1 who are in old buildings
10   that are subject to rent control.
11   What do you say to the Karen Williamsons, because
12   this is the quest of this hearing is to say these
13   affordable rentals are vanishing. They're vanishing
14   with incredible rapidity. They're going, going, gone.
15   So, you come here and make up numbers and have
16   aggressive testimony and all of the rest of that, but
17   the fact of the matter is, once again, we have a
18   perfect panel because Karen Williamson is sitting next
19   to you. She cannot afford to live in this building.
20   Where are you going to send her? What are you going to
21   say to her? This is the issue, and you've got it right
22   next to you. You've got a human being, you know, who

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1   cannot afford the $2,500 -- are you in a one bedroom?
2   MS. CLIPPER: I'm in a one bedroom.
3   CHAIRMAN GRAHAM: She cannot afford the $2,500.
4   So, do you say that, well, Karen Williamson is
5   expendable? Do you say, well, Karen Williamson, you
6   find somewhere else? Send us a postcard when you're --
7   is that what you're saying?
8   MR. GEHLMANN: Chairman Graham, as you well know,
9   most of my career is dedicated to the creation and
10   preservation of affordable housing. So, I think you
11   should helping Karen Williamson much more than you're
12   proposing, because it's such a waste to subsidize
13   people who are not in need. You could take the great
14   tax revenues that have been generated by all of this
15   new economic development from housing and pour it back
16   into rental subsidies to the Karen Williamsons of this
17   city. And I think it is a cop out to just tweak an
18   old, obsolete law and say that's going to fix the
19   problem.
20   I'm a student a practitioner of affordable housing
21   programs at the Federal and local levels here and
22   around the country, and rent control is the biggest,

Page 413

1   inefficient, wasteful kind of subsidy program you can
2   imagine. You're not gearing resources, whether it's
3   private or public resources, to those who need it.
4   If you stop the subsidies for the people in
5   Karen's Williamson's building that don't need it and
6   direct greater resources to her, she and others will
7   have much greater benefit. And that's my point.
8   And I put out assumptions to show that no one
9   knows to what degree people --
10   CHAIRMAN GRAHAM: I think, Mr. Gehlmann, that's a
11   shibboleth.
12   MR. GEHLMANN: A what, I'm sorry?
13   CHAIRMAN GRAHAM: A shibboleth. You know, I think
14   that what's going on here, and I have as much
15   entitlement -- I've worked in my ward for seven years
16   hands on with these buildings. And I would say that
17   maybe 10 percent -- 10 percent, you know, don't need
18   these affordable rents. I would say 90 percent need
19   them. And without them, they're gone. That's what I
20   would say. And I think I know at least as much about
21   this as you do.
22   And they're gone. And I don't want Ward 1 -- I

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1 don't want the neighborhoods of Ward 1 to be composed

2 just of people who can afford to pay $2,500 a month for

3 a one bedroom apartment. I don't want that --

4   MR. GEHLMANN: I totally agree.

5   CHAIRMAN GRAHAM: -- in our neighborhoods.

6   MR. GEHLMANN: But on Connecticut Avenue, you

7 could pick a building where only 10 percent need it,

8 too.

9   CHAIRMAN GRAHAM: I'll be glad to listen to you

10 momentarily. Let me be the chairman of this committee,

11 if you don't mind. Is it -- you know, what I'm saying

12 to you, if you have a concept, you know, that is better

13 than what we have presented here today, I'd like to

14 hear it, you know. But I'm not hearing it. I'm just

15 hearing, for example, here are the Business Industry

16 Association coming and saying you're against all the

17 bills. You're against all the bills. You don't even

18 give us details on why you're against all of the bills.

19 You pick out one thing based on a number which is pure

20 hypothesis and expect us to say, oh, well, in that

21 case.

22   That doesn't wash. If you want to come in — we

Page 415

1 struggled with these issues. We've met with tenant

2 associations. We've met with landlords. We've met

3 with a lot of people, and this is our best thinking on

4 how to save our neighborhoods. And if you have better

5 thinking on how to save our neighborhood, let's have

6 it. And I say that to you also, Mr. Margolo.

7   I think it's fair of me to put this question to

8 you in this direct manner. What -- how are you going

9. to -- what are you going to say to the Karen

10 Williamsons who, I think, are 90 percent of the people

11 in these rent controlled units? What are you going to

12 say?

13   MR. MARGOLO: Well, let's take our Ward 4

14 properties where we have about 300 units. About

15 somewhere between 30 and 35 percent of those people are

16 still under the original rent control. They're -- I

17 mean, that goes back to the 70s. And all of them need

18 that rent control, and I'm happy for them to have it.

19   CHAIRMAN GRAHAM: All of -- let me interrupt you.

20   MR. MARGOLO: In other words, we're not -- they're

21 being, of course, subsidized in the same manner that

22 Mr. Gehlmann stated.

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1   CHAIRMAN GRAHAM: All right. But what percentage

2 is that?

3   MR. MARGOLO: Somewhere between 30 and 35 percent

4 of the --

5   CHAIRMAN GRAHAM: People who need the --

6   MR. MARGOLO: Yeah, and all of them that are under

7 rent control are worthy of it. I mean, I'm -- they're

8 usually older people on fixed incomes, and, you know,

9 some of them have been there 50 years. I mean, these

10 buildings go back to the 50s.

11   But the point is that, as was said by Mr. Watson

12 or whatever his name was a little earlier, that the

13 1985 amendment to the Rent Control, in effect,

14 decontrols units at turnover. I mean, that's what

15 happened with the rent ceilings. We don't have rent

16 control, you know. We have this complicated scheme,

17 which I think was probably done for political reasons

18 to eliminate rent control. And if we stay where we

19 are, there will be no more rent control when all the

20 turnover ends. I mean, it's just that simple.

21   But I think the solution is to say to her, to get

22 back to your question, is I think that we have to work

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1 together to try to preserve affordable housing. But

2 the landlords cannot do it, you know. We can't -- we

3 have to have -- you know, like they do in the other

4 counties and our neighboring jurisdictions. There has

5 to be more tenant assisted programs and things of that

6 nature.

7   And I would say, no, that -- I'm not going to say

8 that I don't -- you know, I'm against everything in

9 these bills. I'm against these bills in total in the

10 way they're written right now. But if the -- if it's

11 -- we have to preserve affordable housing, then we have

12 to work together and come to a compromise. So, I hope

13 we can continue the dialogue and you will listen to us.

14   CHAIRMAN GRAHAM: Well, and I'm certainly prepared

15 to do that. But here's what I'm struggling with.

16 There is -- if we do nothing, it's just going to be --

17 there's going to be no new Karen Williamsons in my

18 neighborhood, and it's just a matter of time. And

19 that's the fact of the matter. And I'm not willing to

20 accept that -- excuse me for keep repeating your name,

21 Ms. Williamson.

22   MS. WILLIAMSON: That's okay.

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1 CHAIRMAN GRAHAM: But you're perfectly placed on

2 this panel. And that's what I want to avoid, and

3 that's what motivates me today. And all of the various

4 comments that I've heard during this hearing

5 questioning my motives and questioning the motives of

6 this Council, and how we're doing this and doing that,

7 I find very objectionable. And I've sat and listened

8 to all that.

9 But the days of the property owners, of apartment

10 buildings coming to this Council and instructing us

11 what to do are over. Now, we can find a way to work

12 together. We can find a way to work together. You've

13 had a very comfy relationship here. That's finished.

14 We can find a way to work together. We can find a way

15 to maintain the affordability of these apartments, or

16 we're going to proceed forward.

17 There are 12 people of 13 on this Council who

18 support this legislation, and that's the reality.

19 That's something that this industry has never

20 heretofore dealt with.

21 MR. GEHLMANN: Chairman Graham, you've

22 mischaracterized our position. We cannot support these

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1 amendments because we feel that all sides are

2 dissatisfied with the rent control law. And until it

3 is thoroughly analyzed -- our recommendation, and I've

4 given you concrete recommendations, a comprehensive

5 review of the rent control law from all perspectives to

6 improve it for all concerned, to phase it out for

7 people who do not need it, and use greater tax revenues

8 and resources to help the Karen Williamsons of the

9 world. I have given you concrete proposals, and I can

10 give you more specifics.

11 And I've been testifying before this committee for

12 nearly 15 plus years giving the committee

13 recommendations. And until -- the Council recently

14 started funding the Housing Production Trust Fund. The

15 District put almost no District dollars into housing.

16 It was Federal dollars. And I was the one coming here

17 repeatedly asking the Council to put dollars in

18 housing. And much of our membership are affordable

19 housing providers.

20 That is our motivation. We think it can be

21 better. This is just a baby step. We can do much

22 better than these pieces of legislation.

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1 CHAIRMAN GRAHAM: Then why, Mr. Gehlmann, would

2 you come here without so much as giving us any details

3 and oppose all five bills? Because all five bills

4 don't relate to the issue that you've just presented.

5 This broad brush opposition, you know, this broad brush

6 no, you know, is what you've done in your testimony.

7 MR. GEHLMANN: Chairman Graham --

8 CHAIRMAN GRAHAM: And I want you to understand

9 what I'm saying when I say --

10 MR. GEHLMANN: I do, but you're missing my point

11 that what --

12 CHAIRMAN GRAHAM: No, I think I got your point.

13 MR. GEHLMANN: -- that what is inherently wrong

14 with rent control --

15 CHAIRMAN GRAHAM: I think you're in favor of the

16 status quo.

17 MR. GEHLMANN: No, I'm not.

18 CHAIRMAN GRAHAM: And I think the status quo --

19 you know, you've reached a point with rent control

20 where many people are happy with it simply because it

21 doesn't work very well. But we're here to say, let's

22 make it work well. Let's give it some teeth. Let's

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1 really have it impact. I'm not saying you, Mr.

2 Gehlmann, but there are others who have testified where

3 that's what they want to keep. They want to keep --

4 since they can't abolish it entirely -- that's out of

5 the question -- they want to keep a law that was

6 eviscerated -- that's the word I've used several times

7 -- eviscerated in 1985. We want to reverse those

8 amendments that were made in 1985. That's the gist of

9 this.

10 MR. GEHLMANN: But why can't --

11 CHAIRMAN GRAHAM: Now, if you have other concepts,

12 Mr. Gehlmann, I have met with you on various occasions,

13 I'm willing to continue to meet with you and hear what

14 you have to say.

15 But, please, you know, not no to five bills

16 without giving us any details.

17 MR. GEHLMANN: Look, Chairman Graham, I would not

18 have anything else to add what others had testified

19 about what they felt were the deficiencies in the bill.

20 I thought it was more important that, particularly

21 going into the very end of the day, to talk about the

22 bigger picture, what we feel is a problem with the law

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1 in general, because until that is fixed, it is -- that

2 is what's causing the distress to the housing

3 providers. If they only had to provide rent control

4 and maybe even deep subsidy rent control to those who

5 need it, but not to those that don't, the program would

6 work, and the housing providers would be able to be

7 financially viable and not have these problems with the

8 law, and the tenants who need it would be helped.

9 That's my approach.

10 CHAIRMAN GRAHAM: But we have bills before us that

11 recognize tenant rights to distribute literature, you

12 know. We have bills before us that require information

13 to tenants, you know, about how their rent ceilings

14 were set. You know, all of that, you know, has a

15 significance separate from the point that you're

16 making.

17 MR. GEHLMANN: But, Chairman Graham, we feel it's

18 very unfair to just address one set of issues from one

19 segment than to sit down with all sides concerned and

20 address all the issues. That's why we've taken a stand

21 that we don't generally support these, you know, as

22 these little piecemeal attempts to plug a couple of

Page 423

1 holes and not address the bigger issues that are

2 affecting the residents of the city.

3 CHAIRMAN GRAHAM: Well, I wouldn't describe these

4 as little piecemeal attempts, but I appreciate your

5 point of view. Thank you very much for your testimony.

6 William Stokes? Ms. Williamson, did you want to

7 add something?

8 MS. WILLIAMSON: I want to ask a question. Where

9 are the statistics that show all the people that don't

10 need rent control?

11 CHAIRMAN GRAHAM: Well, there are no statistics.

12 MS. WILLIAMSON: Where are the numbers of the

13 people that really are getting away with living in rent

14 control buildings and they don't need to be there,

15 which is what I keep hearing, that there's all these

16 people that live in rent control buildings that really

17 don't need to live there and are benefiting from living

18 there. Where are these people? They're not in my

19 building. In my building tenants are paying $1,000 and

20 up for rent. I don't see where these people are.

21 MR. GEHLMANN: I lived in a rent control building

22 for a few years.

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1 CHAIRMAN GRAHAM: Let me just say that David --

2 MS. WILLIAMSON: Where are the people? We need

3 the statistics.

4 CHAIRMAN GRAHAM: The one statistic that we have

5 is that there was an Urban Institute study done in

6 1988, which is a long time ago, which indicated that

7 six percent of those subject to rent control had an

8 income in excess $50,800. I mean, that's — you know,

9 I mean, but that doesn't suit the, you know, the point

10 that some people want to make, and so they would rather

11 use numbers which just cannot be justified or

12 established.

13 But let me go on to the other witnesses. Thank

14 you very much for your testimony.

15 William Stokes, Community Education. Mr. Stokes,

16 are you here still? John Utley, Windsor Associates.

17 Mr. Utley? Not here. Amy LaFavre Dolan from QDC

18 Property Management, Incorporated. John Hoskinan, MPM

19 Management. Not here. Rebecca Lyndhurst, Bread for

20 the City. Jennifer Berger from Legal Aid. Elizabeth

21 Figueroa. Is there anyone else who wishes to -- Faith,

22 do you wish to testify? Would you take a seat, please?

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1 Is there anyone else who wishes to testify? This will

2 conclude our testimony. We'll be with you in just one

3 moment, thank you. You can have a seat.

4 Now, let me just take a moment here. John Utley

5 -- you're not -- no. William Stokes? No. Amy LaFavre

6 Dolan? You're here. Okay, good. John Hoskinan? No,

7 not here. Rebecca Lyndhurst? No. Jennifer Berger?

8 MS. BERGER: Yes.

9 CHAIRMAN GRAHAM: Elizabeth Figueroa? Actually is

10 being represented. And your name, please?

11 MR. REID: James Reid.

12 CHAIRMAN GRAHAM: James Reid. And you are from

13 the 420 16th Street Southeast Tenants Association?

14 MR. REID: Yes.

15 CHAIRMAN GRAHAM: And Faith.

16 FAITH: You want to write my name down so I'm on

17 record?

18 CHAIRMAN GRAHAM: I wrote it down. I wrote it

19 down.

20 FAITH: Oh.

21 CHAIRMAN GRAHAM: It's been such a long day now.

22 Amy LaFavre Dolan, are you representing QDC —

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1   MS. DOLAN: Yes.

2   CHAIRMAN GRAHAM: -- Property Management? You

3 have five minutes. Jennifer Berger, are you

4 representing Legal Aid?

5   MS. DOLAN: Yes, I am.

6   CHAIRMAN GRAHAM: You have five minutes. Mr.

7 Reid, are you representing the 420 16th Street

8 Tenants --

9   MR. REID: Yes, I am.

10   CHAIRMAN GRAHAM: You have five minutes. Faith,

11 you have three minutes because you're here on your own

12 behalf.

13   FAITH: No, I represent TENAC, and also a --

14   CHAIRMAN GRAHAM: TENAC has already testified.

15   FAITH: I know, but I'm late, that's all. I'm on

16 the Board of Directors of TENAC.

17   CHAIRMAN GRAHAM: Well, we'll give you your time.

18   FAITH: Give me an extra two minutes.

19   CHAIRMAN GRAHAM: You'll have your time.

20   FAITH: Thank you.

21   CHAIRMAN GRAHAM: You'll have your time.

22   Okay. And then we'll have one other public

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1 witness, and that will conclude the hearing, except for

2 the testimony of Ms. Zapata.

3   So, Amy LaFavre Dolan, may we have your testimony?

4   MS. DOLAN: Yes. Good evening. My name is Amy

5 LaFavre Dolan, and I'm a Senior Residential Manager

6 with QDC Property Management, Inc. Since 1999, I've

7 been responsible for the management of the West Park

8 Apartments, a rent controlled 250-unit apartment

9 building constructed in 1975 and located at 2130 P

10 Street, Northwest, in Dupont Circle.

11   I am here today to address my company's very grave

12 concerns about the rent control bills proposed by the

13 D.C. Council, most specifically, Bill 16-457, the Rent

14 Control Reform Amendment Act of 2005. These proposed

15 bills have the potential to destroy any economic

16 rationale to maintain a rent controlled building in

17 good working order by making day to day repairs and

18 maintenance as well as periodically making capital

19 investments.

20   Over the past 10 years, operating expenses at the

21 West Park have risen 20 percent more than apartment

22 income in our rent controlled property. Incidentally,

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1 the real estate taxes for the West Park have increased

2 by 10 percent over the last four years.

3   If there are further restrictions on income

4 growth, there will be less incentive to keep up with

5 repairs and maintenance, and as this spread widens, it

6 will create a gap that will restrict net operating

7 income so that existing debt on the property may not be

8 replaceable. Ultimately, this could lead to

9 foreclosure.

10   If the proposed legislation passes, there will be

11 absolutely no incentive to reinvest in a rent

12 controlled property. The means provided under the

13 current rent control legislation for a building owner

14 to in some way recoup the expense of performing capital

15 improvements is to file a capital improvement petition

16 and begin the arduous process, which, in some cases,

17 may take up to a year, if not longer, to complete.

18   The capital improvement petition process is

19 cumbersome, daunting, expensive, and places an enormous

20 burden on the building owner, and in the end, only

21 allows for a substandard rate of return, and in some

22 cases, no return at all on the additional property

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1 investment.

2   The useful life of a well-maintained apartment

3 building is 30 to 40 years. Since the cutoff of rent

4 control was 1975, this means that the youngest of rent

5 controlled properties is now 30 years old, which is the

6 case with the West Park. As you can imagine, a 30-year

7 old property needs major improvements just to keep it

8 in good working order.

9   We are currently in the process of considering a

10 major renovation at the West Park, which we estimate

11 will cost $60,000 per unit, which includes interior

12 unit renovations, replacement of the HVAC system,

13 window and balcony rail replacement. If it were

14 possible to borrow $60,000 per unit at an interest rate

15 of 6.4 percent only, the additional debt per unit per

16 month would be $325. Yet the one percent increase only

17 allows a $12.50 per month rent increase.

18   Bill 16-457 seeks to repeal the existing 12

19 percent vacancy increase and replace it with a one

20 percent vacancy increase. No property could possibly

21 borrow this money with future rent growth capped at one

22 percent per year. No responsible lender will lend

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1 money if there is no future hope to increase the net
2 operating income.
3   Over the past three years, the average turnover
4 rate at the West Park has been 33 percent, which means
5 that 67 percent of the residents, those who remain in
6 residence, are benefiting from the current rent control
7 legislation. The cot to release an apartment is, at
8 minimum, $550 for repainting, floor refinishing,
9 cabinet replacement, and cleaning, which does not
10 include the estimate down time of three weeks, bringing
11 the total re-tenanting cost to approximately $1,500.
12   Assuming an average rent of $1,250 per month, if a
13 proposed one percent per year increase were enacted,
14 the $12.50 per month increase, it would take 120 months
15 or 10 years to recover this $1,500 releasing cost.
16   The public areas of the West Park were renovated
17 in 2003 at a cost of nearly $2 million. This year the
18 owner replaced the roof of the building, installed roof
19 anchors per OSHA requirements, and performed extensive
20 façade repairs at the cost of $405,000. We did not
21 apply for a capital improvement petition surcharge for
22 these improvements because under current rent control

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1 legislation, we would be able to recover the cost
2 through vacancy increases and comparable unit
3 increases. Therefore, none of our current residents
4 paid any additional rent increase based on the
5 improvements that they all now enjoy.
6   If the proposed legislation passes, this will no
7 longer be the case. Although a 10 percent annual
8 increase for a current resident is very rare and not
9 the practice at the West Park, we will have no
10 alternative but to significantly raise the current
11 increase amounts for existing residents if rent control
12 legislation prohibits us from taking 12 percent vacancy
13 increases or comparable unit increases. This will harm
14 existing residents, which is in direct opposition of
15 the intent of these new rent control bills. If the
16 D.C. Council chooses to further restrict an owner's
17 ability to operate in a free market system, it is our
18 belief that it is a restraint of trade.
19   Will these restrictions be solely limited to the
20 real estate industry, or will D.C. target other
21 industries as well, such as regulating the price of gas
22 and electric? Although one can only assume the best of

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1 intentions on the part of the City Council, the
2 proposed legislation is flawed public policy and will
3 significantly harm not only building owners, but the
4 residents of rent controlled properties as well.
5   CHAIRMAN GRAHAM: Thank you very much for your
6 testimony.
7   And now, Jennifer Berger from the Legal Aid
8 Society.
9   MS. BERGER: Thank you, Chairperson Graham, for
10 supporting the strengthening of rent control in the
11 District of Columbia, which will tremendously assist
12 the thousands of tenants who we serve in the District
13 of Columbia.
14   The new census data is staggering about the loss
15 of affordable housing in the District of Columbia.
16 This affects most gravely the children of the District
17 of Columbia because the District has the highest
18 poverty rate, which is 30 percent compared with 17
19 percent nationally.
20   The affordable housing crisis worsens in 2004 with
21 the median rent going -- increasing from $734 to $799.
22 Customarily, the increase each year was three percent

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1 and the median rent. Between 2003 and 2004, the median
2 rent increased nine percent.
3   Some 7,500 affordable housing units were lost
4 between the years of 2000 and 2004. In that vein, we
5 need to strongly consider the current rent control
6 system and revamp it to adequately meet the needs of
7 our poorest citizens.
8   We urge the Committee and the Council to pass
9 these bills, which enhance rent control, tenant
10 organizing, and tenant information into law.
11 Particularly focusing on Bills 16-457 and 16-51, the
12 current system of allowing high -- vacancy high
13 comparable increases in combination with the statute of
14 limitations erodes rent control. Recently we had
15 somebody come into the office who was -- who had sensed
16 that her rent was incorrect. She had just moved into
17 her apartment about a year ago. We tried to get the
18 records from DCRA, and when we were piecing together
19 the records, because of the vacancy that was greater
20 than the three-year statute of limitations period, an
21 illegal increase had been taken over three years ago,
22 and this new tenant was essentially, at least according

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1 to the case law and the current system, stuck with a
2 rent that was higher than it was supposed to be, and
3 that was, in essence, illegal.
4   The current system is an inducement for landlords
5 to get tenants out, have vacancy for a period of time
6 long enough for tenants to -- for the rent to increase,
7 and that will deprive that unit of the rent control
8 base.
9   The comparable increase -- high comparable unit is
10 a misnomer. As we were looking through the paperwork
11 in this particular case, the comparable unit, which was
12 supposed to be a unit in the housing accommodation
13 wasn't even on the same street, and that was absolutely
14 illegal. We can try to fight against this in other
15 ways, but if the statute of limitations period for
16 correcting improper rent increases were to be changed
17 so that we can look back as long as we have to correct
18 illegalities, then that would save rent control, and it
19 would also prevent landlords from benefiting from their
20 own illegal behavior.
21   Particularly looking at Bill 16-458, the Right to
22 Tenants to Organize, today when I was here and also

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1 in order to bring a claim that a tenant -- a building
2 of tenants have been deprived of their right to
3 purchase property is to form an association. And the
4 lack of an association in that instance will be a basis
5 to dismiss that case in certain instances. So, the
6 associations are necessary.
7   Moreover, the only time we see tenants walk in our
8 door to be able to represent them is when they see the
9 paperwork that has been provided to them by their
10 landlords, and they realize something is amiss in the
11 paperwork. So, hand in hand with the tenant's right to
12 organize is the right of the tenant to be informed, and
13 they need to be able to be provided all of the
14 documents necessary to ascertain whether they need
15 legal assistance in the first place.
16   And lastly, the disclosure of housing code
17 violations is critical because when we are representing
18 in cases involving counter claims for housing code
19 violations or defenses for housing code violations, the
20 first thing we want to do is see whether there was
21 notice to the landlord. The landlord is clearly on
22 notice of the housing code violations if the landlord

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1 listening to the testimony from the Office, I heard
2 landlords -- representatives of landlords indicate that
3 the attorneys will be able to better represent the
4 tenants. As an attorney who represents tenants in the
5 District of Columbia and has represented buildings of
6 tenants, I have seen the power of tenants associations
7 separate and apart from the power of our representation
8 of tenants.
9   Tenant associations build communities. They
10 basically have tenants interacting who normally
11 wouldn't be interacting with each other, namely tenants
12 of different backgrounds, language backgrounds,
13 particularly. And it's empowering. If you pass 2922
14 Sherman Avenue, at least before winds change the sign
15 and flip it over, it said the tenants association of
16 2922 Sherman Avenue. There is great pride that the
17 tenants have in being able to organize, and it's a
18 constitutional right of individuals to be able to
19 organize. That right needs to be supported, separate
20 and apart from our representation.
21   And also, the tenants association is necessary to
22 vindicate SOPA rights, the he first step that's taken

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1 is providing tenant of such notice.
2   So, all of these requirements in all of the bills
3 are critical. And thank you again for your support of
4 tenants' rights in the District of Columbia.
5   CHAIRMAN GRAHAM: Thank you very much. I
6 appreciate your testimony.
7   And now we're going to go to Mr. Reid. Mr. Reid.
8   MR. REID: Good afternoon. How are you doing
9 today? I am James Reid, Vice President of the 420 16th
10 Street Southeast Tenants Association, Incorporated. I
11 would like to give you a short history of our short
12 existence.
13   The residents of 420 16th Street Southeast
14 received notice of sale of our building -- sorry. Can
15 you hear me better now?
16   Where was I? The residents of 420 16th Street,
17 Southeast received notice of the sale of our building
18 on August 16th of this year. We incorporated our non-
19 profit tenant association on September 9th. We
20 provided notice of our interest to purchase our
21 building on September 26th. On the same day, we
22 received notice of our annual rent increases.

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1 Historically, these increases have been at the CPI rate
2 increase, and were $5 to $25. The increase this year
3 ranged from eight to 99 percent with the average
4 increase being 44 percent, and worth $43 to $552.
5   Since we received rent increase, two residents
6 have moved out our building because of the extreme
7 rent. The landlord has the legal right to increase
8 these rents to these high amounts, but by doing so, has
9 taken the legal rights of two hardworking residents,
10 one who had lived in our building for more than 12
11 years, a chance of the American Dream. Because her
12 rent nearly doubled, she could not continue to stay in
13 our apartment building since she has lived there since
14 the early 90s, and where her daughter grew up.
15   She could not afford to pay the extreme rents for
16 the coming months that we need to organize and purchase
17 our building. The mortgage payments and other costs
18 associated with homeownership would have been less than
19 the amount to which her rent skyrocketed. She may
20 never have another chance to own a home I the District
21 of Columbia.
22   We are in danger of losing more residents who will

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1 be struggling to make rent payments or conscientiously
2 not making payments and ending up in landlord-tenant
3 court with all the time and effort that that requires.
4   They will make these sacrifices to have a chance to
5 become a homeowner. They will make these sacrifices to
6 give their families stability and a good neighborhood.
7   They will make these sacrifices to improve their
8 lives.
9   Because of the increase in rent, our first efforts
10 on countering its effect have not been good. We have
11 an attorney to help us with the TOPA matter, but her
12 first few hours of billable time have been on the rent
13 increases. We have been diverted from buying our
14 building despite our rent increases.
15   I would like to comment on Bill 16-458. I think
16 third party buyers and their agents should be included
17 in Section 2(c). For an example, in our building, the
18 potential buyer leased the only vacant apartment and
19 had a contract employee move into it. He loitered in
20 our lobby, on our sidewalk to get a chance to persuade
21 and intimidate when effective our residents -- the
22 residents in our building, that they could not take the

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1 step to becoming a homeowner is what he was telling
2 everybody. He actually even threatened the President
3 of the Board.
4   There is enough self-inflicted buyer remorse here;
5 we don't need any more of it. We already know.
6   Some residents felt threatened by the contract
7 employees presence because of these concerns. With
8 safety, we spent a significant amount of time
9 coordinating fire safety inspections by the Office of
10 the Fire Marshal seeking assistance from PSA 107 to
11 help organize an apartment watch. If we could have
12 just focused on our time and effort in organizing our
13 association and educating ourselves in the TOPA process
14 and making an effective strategy for us to purchase our
15 building, we would not be losing residents. This
16 tactic to drive from us from our homes has been a
17 diversion that is delaying us from the goal we seek.
18   These tactics have also caused some residents to
19 lose opportunities to achieve that goal, as I said
20 before. Besides losing two residents immediately, as
21 mentioned before, we think we think we may lose five to
22 six more residents, of which one two three may be

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1 evicted by the end of the holiday season. This nearly
2 empties out one floor of a three-floor unit building.
3   We are not -- we are at a crossroads where if
4 something does not change in the law, we foresee a loss
5 of the heritage of people who live their lives in the
6 District through the good times and the bad. We have
7 our residents in our building who have lived there for
8 43 years. We need these proposals changed -- these
9 proposed changes to be enacted immediately to help
10 future residents in future buildings purchase and
11 counter the vicious attacks from the seller and the
12 buyer.
13   Thank you for your time. I do have one last thing
14 to say. I would to speak about the situation in my
15 building, if you will allow me to, for the living
16 conditions.
17   I don't know how to begin. I'm kind of nervous,
18 so this is the first time I've ever done this.
19   CHAIRMAN GRAHAM: Why don't you let me ask you
20 that question --
21   MR. REID: Okay.
22   CHAIRMAN GRAHAM: -- when I come back to you --

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1   MR. REID: Thank you.

2   CHAIRMAN GRAHAM: -- because your time has

3 expired.

4   MR. REID: Thank you, Mr. Graham.

5   CHAIRMAN GRAHAM: Thank you very much, Mr. Reid,

6 for your testimony.

7   Faith?

8   FAITH: Yes. Thank you very much for allowing me

9 to be on the ballot. I tried to be on the ballot

10 yesterday, but there were too many people that were

11 witnessing.

12   I'd like to start to say that I know when you came

13 here, became a citizen, and then later myself. This

14 was called Chocolate City. Now it's Vanilla Villa.

15 And, you know, that I have to borrow from the last

16 witnessing. I did last spring borrow from what I said.

17 And I said that this is a conspicuous movement of

18 racism. This is another kind of lynching of black

19 people in this city.

20   It's not just a matter of leaving your home. Do

21 you know what it's like for a family to have to pick

22 up, being forced? You know, a home, the walls become

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1 part of you, like, you know, your dog or cat. You're

2 part of your environment. So, what happens here? The

3 family is removed. They can't even afford to go to

4 Ward 9 in Prince Georges County. I don't know where

5 people are going.

6   Some of them are going under the freeways, Mr.

7 Graham, and you know this. This is a hidden thing.

8 This racism is intrinsic in our government. Every time

9 I run for mayor or for whatever, you know, I've been

10 off and on the ballot for -- since 1982. And not only

11 have I been pushing rent rollback, which is very, very

12 imperative.

13   You have the responsibility of taking care of us.

14 You are our pastors now. You're our ministers. You

15 have to take care of our safety. The people are dying.

16 They're dying. You know, I like to borrow from one of

17 these Tea for Two songs. I said the landlords are

18 greedy, evicting, indeedy, urban renewal is Negro

19 removal. This is a very conspicuous thing.

20   We have to stop racism, and what you can do is,

21 this Council has to make a referendum, referendum.

22 It's so important. You have to have the masses of the

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1 people be involved with this.

2   Sometimes, you know, someone earlier complained

3 that there's nobody else on this committee -- oh, yeah,

4 they popped in early. You know, I did a little

5 investigation of my own. I'm like the Dorothy Brazil

6 of governments. I snoop around, and way back in the

7 early 80s, I broke my neck to write down my comments

8 and make a lot of copies of it. You know what I found

9 out? There are only two people on the Council that

10 were reading what these beautiful people have to say,

11 and that was -- she became -- Frank Smith and -- her

12 son is running for something now -- Thomas, Harry

13 Thomas that read everybody's thing, and they got

14 together with their aides and really studied this.

15   Unfortunately, you know, John Ray came around. He

16 must've been dropping some weird kind of acid, you

17 know, the devil's mixture or something like that.

18 Impose a devastating -- you know, to be, to have

19 gentrification -- to be gentrified is to create

20 genocide.

21   And I'd like to say one more thing, that when I

22 first moved into our building, the Park Plaza, many

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1 years ago, I used to judge what was going on in our

2 swimming pool in the summer time, you know. Who is

3 living in the building, and what was going on with the

4 -- well, we had so many beautiful African-Americans,

5 Africans from Africa, and Asians, Latinos, you know, a

6 couple of beige people, myself. But little by little

7 as the years went on -- this is what I said at my last

8 witnessing, all of a sudden all of these congressional

9 groupies have moved into D.C., and what we have around

10 the pool in the summer time are these beautiful, rich

11 people with their designer G-strings. And not only

12 that, they don't talk to you in the elevator, and they

13 don't care whether they're paying $2,000 for a one

14 bedroom because they have the money.

15   And in a way they feel very strong to be able to

16 pay that. They love it. And what's happening here is

17 that -- I'm going to say it blatantly. It's killing

18 people. And all of you all have to really get into

19 your collective conscience and see what's happening

20 here. So much pain. So much poverty.

21   With all of you all -- just a moment. You know,

22 when I run for mayor, they keep buzzing with alarm

1 clocks. We only have two minutes, so I appreciate this
2 little over five minutes. But it's very emotional
3 about this.
4   People are dying. Stop it. You can all help.
5 Get together. You know, you could be activists, and
6 you could show the rest of the country and the rest of
7 the world that you really are about human beings here
8 in America.
9   You talk about homeland security? We've been
10 terrorized by our own government. And, excuse me, Jim
11 -- call you Jim. You're letting the government
12 allowing you to pimp us. You wouldn't like to face
13 yourself and say I'm a pimp. And that's what's
14 happening. You're being controlled by the main
15 government.
16   Years ago, when one of my Ward 8 had a big --
17 mayor's forum, and at the time I said -- I turned
18 around and I said, you know, I said, there's a majority
19 of people on this Council of black, and yet you're a
20 white racist facility. You're a chip off the old
21 block. And, I'm sorry, this is a beginning of the
22 revolution. And eventually we're going to push

1 secession as an option.
2   Thank you very much. And please get together, and
3 seek -- reach into your hearts and your souls to help
4 people here. Stop this gentrification. There should
5 be a moratorium on it, and not only that, you have to
6 rent control on the store fronts, and in these big
7 business buildings that are just sitting there. You
8 could house people..
9   You know, we've had our own levies broken. Oh,
10 it's terrible, these people dying and drowning down
11 there in the South. But what about us? The flood's
12 coming in of hatred for the disadvantaged. That's why
13 the people are terrorizing us because we're terrorizing
14 our own people, and the rest of the world with whole
15 real estate thing.
16   Realtors and landlords are hurting us, and it
17 should not be a profit making facility. It's an
18 industry just like medicine.
19   Thank you for letting me express myself. Don't
20 hesitate to vote for Faith, D.C. mayor in '98.
21   CHAIRMAN GRAHAM: Okay. Okay, Faith.
22   So, Mr. Reid, what is the atmosphere in the

1 building?
2   MR. REID: For 420 16th Street, our rent has
3 increased. We have some people in efficiencies and one
4 bedrooms that are paying over $1,100. You can hear me?
5 I'm sorry about that -- that are paying $1,100 and
6 more for their rent. Their rent ceilings are, like,
7 $3,100.
8   I have pictures that I can e-mail to you of our
9 roof leaking, our basement flooding. We have an
10 apartment in the basement that may not even be legal,
11 that the walls are coming out, the electrical sockets
12 are sitting out.
13   In my apartment, I have the toilet above me in my
14 bathroom leaking directly on us in the bathroom, and my
15 toilet in turn is doing the same to the people below
16 us.
17   We have a lot of vermin issues. We even have --
18 we have problems with our front doors. Sometimes we
19 can't even get in through the front door of the
20 apartment building. We have people sleeping in our
21 stairwell.
22   We -- you know, this is the Capitol Hill area, and

1 we -- it's just surprising on how much decay is in our
2 building to be in such a good area of town. And that's
3 my main concern. If we're going to pay this money,
4 then fix what's going on.
5   Another thing I forgot to bring up is that my
6 windows in my unit, I had to caulk them shut, and I'm
7 on the second level. But they're plastic. You can
8 barely see out of them. They constantly fall. I had
9 my AC unit fall out the window one day.
10   It's just absolutely ridiculous on how they keep
11 the apartment building and how it's ran.
12   CHAIRMAN GRAHAM: Well, you may have heard the
13 other day -- I mean, I went with the fire department --
14   MR. REID: Yes, I did. I didn't want to bring it
15 up.
16   CHAIRMAN GRAHAM: -- and the DCRA with sledge
17 hammers and everything else and a search warrant, you
18 know, in a building which, you know, the whole strategy
19 of the owner, Dr. Lawrence Drell, who has a psychiatric
20 practice at 3000 Connecticut Avenue. The whole purpose
21 of his strategy is to make everybody so miserable, they
22 abandon the building.

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1   MR. REID: That's exactly how we feel.

2   CHAIRMAN GRAHAM: So, this is a standard way of

3   operating for some unscrupulous people, and that is

4   that you just suspend all services, you know. And in

5   this building, and I don't think it's been really

6   captured what a serious situation it was. And I hope

7   this doesn't happen to you, but there's been a fire in

8   the building, you know. There has been major threats

9   to the public health from methane gas.

10   I mean, this is not about peeling paint; this is a

11   serious concentrated effort to drive the tenants out.

12   And that's -- no, I'm not saying that's what this is

13   about, and I'm not suggesting this -- any of the

14   landlord representatives who have testified today are

15   about that type of thing. But that's also going on,

16   and it's real. And I could give you many more examples

17   and very recent examples.

18   So, Mr. Reid, you may have to brace yourself

19   because there may be more on the way than a 99 percent

20   increase in your rent.

21   MR. REID: Oh, I completely understand that. I am

22   one --

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1   CHAIRMAN GRAHAM: Now, is this a rent control

2   building?

3   MR. REID: This is a rent control building. Me

4   and one other resident are the only two left with one

5   year leases. Our leases expire -- my lease expires

6   February. Their lease expires in March. And we --

7   CHAIRMAN GRAHAM: Well, let me ask you this

8   question. You provided us useful information, but you

9   haven't provided us with the rent ceilings. Do you

10   know the rent ceiling?

11   MR. REID: Yes, I do. Actually I do have them

12   with me.

13   CHAIRMAN GRAHAM: Okay. So, let's have that

14   information, too, if you could provide it to us. If

15   you have it with you, that's great.

16   But anyway, I just have a question now for -- let

17   me just ask --

18   MR. REID: Can I make one more comment? In fact,

19   we are thinking -- because we haven't had our heat

20   turned on yet. Like, for example, I have a fire risk

21   anyway. I don't have a fire alarm anywhere in my

22   apartment. And on top of that, I have to heat my

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1   apartment by my oven, and I've been doing so since this

2   weekend. And we think they're not going to start

3   turning on the heat until after November 1st.

4   CHAIRMAN GRAHAM: Well, be very careful about

5   using that appliance for that purpose because that --

6   you know, and that's the type of hazard that you're

7   compelled to, you know, expose yourself to.

8   Okay. Now, we've got this. Let me ask a question

9   of Amy LaFavre Dolan. You know, so much of your

10   testimony was helpful, and I appreciate it. You know,

11   we're trying to understand the dilemmas that you all

12   are facing, too. But please don't characterize this

13   legislation as providing a one percent vacancy

14   increase. It's one percent -- in the case of a vacant

15   apartment, it's one percent per year for the number of

16   years that the prior tenant was there.

17   Now, if it was just one percent, then that

18   would've been a very recent turnover. That would've

19   been a turnover a year previous, and you'd have your

20   higher rent ceilings, you'd have your -- you know what

21   I'm saying?

22   MS. DOLAN: Mm-hmm.

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1   CHAIRMAN GRAHAM: And so, some of your numbers

2   here, you know, really probably in fairness need to be

3   revised because we really had in mind much, much more

4   than that.

5   But I think that the point that you make, you

6   know, concerning, you know, the petitions -- I'm going

7   to specifically ask your question. So, you were a

8   perfect witness also, because the questions that you

9   have raised I'm now going to turn to Raynell Zapata and

10   ask her those questions. So, if you're able to stay or

11   you can hear this hearing, you'll see that we're going

12   to address the specific issues that you raised.

13   MS. DOLAN: Okay.

14   CHAIRMAN GRAHAM: Which I think do have validity.

15   And I'm familiar with the building that you manage,

16   and it's a very fine building.

17   MS. DOLAN: Thank you.

18   CHAIRMAN GRAHAM: And it's in a very desirable

19   location, and we want to keep that type of building,

20   just like the Park Plaza. You know, we want to keep

21   that having affordable elements and units within it

22   because you know what that building would be like

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1 otherwise, right?

2   MS. DOLAN: Oh, absolutely.

3   CHAIRMAN GRAHAM: You know what would happen there

4 with all those wonderful balconies that you have. I've

5 been in your building many, many times. And it's so

6 well kept, and you have a beautiful lobby.

7   MS. DOLAN: Thank you.

8   CHAIRMAN GRAHAM: I know about the building. But,

9 so let me get to those questions. Thank you very much

10 for all your fine work and legal services. It means a

11 great deal to us.

12   Now, we have one more public witness. Thank you

13 very much.

14   MR. REID: Thank you, Mr. Graham.

15   CHAIRMAN GRAHAM: If you would come forward,

16 please.

17   MS. DOLAN: Thank you.

18   FAITH: Can I just say one thing, just one little

19 thing? If you buy an automobile and you go out of the

20 dealer's place, that automobile, you ought to say, it's

21 cut in half. But you live in a building, like, for 20

22 years, especially with children and animals, you wear

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1 down the plumbing, the floors. And our building is

2 about 75 years old, but it's very unfair that there's

3 so much abuse to apartments, and it's only logical,

4 rent rollback. Repeat after me, rent rollback. Thank

5 you very much. Rent rollback. Thank you very much.

6   CHAIRMAN GRAHAM: Now, would you like to step

7 forward, please? We've had you testify before. I

8 probably should know your name, but come and introduce

9 yourself. Is there anyone else who wishes to give test

10 today? Otherwise, this will be the last witness.

11   Could you please state your name for the record?

12   MR. BROWN: Yes, my name is Dwayne Brown, and I'm

13 a resident of Washington, D.C. Good evening,

14 Councilmember Brown. I am pleased to testify before

15 the Council today. I'm a resident at Mount Vernon

16 Plaza, which is located at 10th and M Street,

17 Northwest. I have resided there since 1990.

18   I'm here today to ask the City Council to put caps

19 on the amount of one's rent can be increased annually

20 in buildings that are not under rent control. The

21 building that I live in is not under rent control

22 because it was built like maybe, like, 15 years ago.

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1 I'm familiar with the fact that the cost of living

2 is always rising, but my rent has been increased 550

3 percent over the last four years.

4   This type of increase is unconscionable. You

5 know, I feel like the price and polices of Mount Vernon

6 Plaza are systematically pushing me out of my home. I

7 do not want to be priced out of my apartment.

8   I have been a resident in my building for 14

9 years. I know this is the boom time for real estate

10 growth I this area, but I went through the harsh years

11 when no one wanted to live in that area. It was all

12 type of things going on outside of my building —

13 prostitution, smoking illegal drugs, fire alarms were

14 pulled in the building. And I reveal the unsightly

15 facts that all type of things going on.

16   Now, I want to kind of like stop there,

17 Councilmember Graham. This building -- what I want to

18 ask is, my building is not under rent control, okay?

19 So, I'm asking, you know, it was built 16 years ago,

20 and the last time I was here to testify, April the

21 15th, you told me to come back. You mentioned that the

22 buildings that got the best of rent controls was, like

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1 -- was up to 1989. That's what you stated back then.

2   CHAIRMAN GRAHAM: I'm sorry, '75 I think it is.

3   MR. BROWN: Seventy-five?

4   CHAIRMAN GRAHAM: Yeah, isn't it '75? It's

5 properties that were built before 1975 are subject to

6 rent control.

7   MR. BROWN: Okay. So, I'm just asking, like, at

8 what point would you consider -- at what point were

9 these buildings that were built maybe like 15 years ago

10 be considered to go under rent control, because from my

11 research, I've found out that the building -- it took,

12 like, $17 million to build it. Now, the property is

13 within excess of over $80 million. They received a

14 grant from the city government to build. So, they did

15 some set asides for, like, 16 years.

16   And so, now I think they're getting ready to -- in

17 the policy of set asides, you know, it's, like, things

18 are -- it's, like, we had, like, a lady that was -- had

19 a set aside. She was, like, 69 years old. They chose

20 not to renew her rent last month because they said her

21 apartment was too dirty, you know, things like that.

22   And so, you know, the rent is just increasing.

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1 That 10 percent cap you're talking about for apartment
2 like mine's, you know, it comes out sometimes. Like,
3 one time my rent was increased over $200 in one year,
4 and I just don't -- I just feel like I'm being priced
5 out of my apartment and out of my community. That's at
6 10th and M Street.
7   You know, Councilmember Graham, you know, I've
8 really been there through the tough times, and, you
9 know, to be honest, I don't see guys in my building
10 that look like me anymore. And now, I get these stares
11 when I get on the elevator, you know. And that doesn't
12 make me feel too good, you know.
13   I was there when no one else wanted to be there,
14 and now people, you know, looking at me strange. And
15 I've been there -- I'm probably, like, the second
16 longest resident in that building.
17   And so, I'm asking maybe you can do something
18 about -- I don't know, maybe, like, okay. Why should
19 my rent be the same as the people that's coming in and
20 I've been there 15 years?
21   CHAIRMAN GRAHAM: Well, I want to thank you very
22 much, Mr. Brown. Your testimony as the last public

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1 witness is absolutely perfect because what you're doing
2 is you're coming here as someone who is not -- does not
3 have the benefit of even a flawed rent control
4 protection. And, you know, here's the testimony of
5 somebody. You are vulnerable, and you're also
6 witnessing how your building has changed. And there
7 is, quite frankly, nothing that rent control can do
8 about any of that. And so, you're saying to us, and
9 what I'm hearing you say to us -- what year was your
10 building built?
11   MR. BROWN: I moved there in November of 1990. I
12 remember going looking at the property in 1989, but I
13 didn't --
14   CHAIRMAN GRAHAM: So, let's say -- so one of the
15 messages that Mr. Brown was saying, why don't you
16 extend rent control to include buildings that were
17 built before 1990? Why don't you give me the
18 protection of rent control? That's what I'm hearing
19 from you.
20   MR. BROWN: That's what you're hearing.
21   CHAIRMAN GRAHAM: And, you know, there are a lot
22 of Mr. Browns -- excuse me for -- you know what it was

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1 like with Ms. Williamson. I used her name, and now I'm
2 using Mr. Brown's name. But there are lot of Mr.
3 Browns who are probably watching this today and saying,
4 I wish my building had these protections, because as
5 flawed as it might be, you'd be better off with rent
6 control in your building than you are right now without
7 it.
8   And that's why I'm saying to you, Mr. Brown, your
9 testimony is perfect, not necessarily for your
10 situation, but it's perfect for our hearing to conclude
11 with your testimony because it sends a very powerful
12 message as to how important this really is. And I
13 thank you for your testimony.
14   Unfortunately, the law is what it is today, and we
15 want to move on now to Ms. Zapata. So, I appreciate
16 it.
17   Now, Ms. Zapata, will you come forward? We're
18 going to take a three-minute break for a personal
19 privilege. But when I come back, you'll be at the
20 table? Thank you.
21   [Whereupon, the hearing was concluded.]
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