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10 A BILL
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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To establish the requirements whereby a landlord is permitted to charge a tenant for the late payment
19 of rent.

20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
21 act may be cited as the "Rental Housing Late Fee Fairness Amendment Act of 2016".

22 Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C.
23 Code § 42-3501.01 *et seq.*), is amended as follows:

24 (a) Section 103 (D.C. Official Code § 42-3501.03) is amended by adding a new
25 paragraph (18A) to read as follows:

26 "(18A) "Late payment" means any amount of rent that is not paid within 10 days from
27 the time a rent payment is due."

28 (b) A new section 509 is added to read as follows:

29 "Sec. 509. Authorized fees for the late payment of rent.

30 "A housing provider shall not impose a fee against a residential tenant for the late
31 payment of rent that exceeds 5% of any unpaid amount of the monthly rent due to the housing
32 provider by the tenant.

33 “(a) The fee shall only be imposed one time and shall be based on the amount of
34 unpaid rent due by the tenant.

35 “(b) No amount due in late fees shall be deducted from future rent payments.

36 “(c) A landlord may not impose a penalty for the late payment of rent unless a
37 written agreement specifies that the housing provider may charge the tenant a late fee of up to
38 5% of any amount of unpaid rent due by the tenant.”.

39 (c) Section 901 (D.C. Official Code § 42-3509.01) is amended by adding a new
40 subsection (h) to read as follows:

41 “(h) Any person who knowingly or willfully violates this section shall be liable to the
42 tenant for the amount by which the late fee exceeds the allowable late fee, or for treble that
43 amount (in the event of bad faith), and shall be subject to a civil fine of at least \$100 and not
44 more than \$ 5,000 for each violation.”.

45 Sec. 2. Fiscal impact statement.

46 The Council adopts the fiscal impact statement in the committee report as the fiscal
47 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
48 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

49 Sec. 3. Effective date.

50 This act shall take effect following approval by the Mayor (or in the event of veto by the
51 Mayor, action by Council to override the veto), a 30-day period of congressional review as
52 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
53 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
54 Columbia Register.