**Statement of Beth Mellen**
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**Before the**

**Committee on Housing**
**Chairman Robert C. White, Jr.**

**On**

**Bill 26-0829**

**Shared Housing Agreements and Resolution Effort (SHARE)**
**Pilot Program Amendment Act of 2026**

**October 26, 2026**

## Introduction

Good morning, Chairman White, Councilmembers, and residents of the District. My name is Beth Mellen, and I am Senior Counsel for Housing Protection and Affordability at the Office of the Attorney General for the District of Columbia (OAG). I also serve as Assistant Deputy Attorney General of OAG's Public Advocacy Division. I am here on behalf of Attorney General Brian Schwalb and OAG to share our recommendations on Bill 26-0829, the Shared Housing Agreements and Resolution Effort (SHARE) Pilot Program Amendment Act of 2026. While OAG supports an early mediation pilot program for tenants facing eviction for nonpayment of rent, we believe such a program will only work with several key changes to the SHARE Act as introduced.

## OAG's Role in Convening Landlord and Tenant Stakeholders

Almost two years ago, AG Schwalb launched a Housing Protection and Affordability Initiative to streamline and prioritize OAG's focus on preserving and expanding the District's stock of safe, affordable, and habitable housing. As Senior Counsel, my work includes leading workstreams and developing strategies to advance affordable housing through enforcement of Property Maintenance Code standards, consumer protection and civil rights for tenants, and antitrust protections for the market; advocacy in the zoning process; collaboration with stakeholders throughout the housing ecosystem; and coordination with other District agencies.

Stakeholder input from both landlords and tenants is critical to this effort. In addition to bi-monthly meetings with tenant organizers and attorneys, over the past two years OAG has prioritized meeting with affordable housing providers and developers and their membership and advocacy organizations to hear their concerns. Affordable housing providers have shared that they currently face a perfect storm of millions of dollars in rent arrears, ongoing economic vacancy rates of 20 to 30 percent, rising costs, and an eviction process that can take many months to resolve cases. OAG believes firmly that the District cannot make meaningful progress on housing affordability and poor housing conditions without addressing these economic vacancy and rent arrearage challenges.

In my Senior Counsel role, I am currently facilitating Housing Unity DC's Nonpayment of Rent Working Group. With support from the Federal City Council, we are convening a diverse group of affordable and market-rate landlords, members of the landlord and tenant bar, judges from the Superior Court of the District of Columbia, tenant organizers, and housing policy and access to justice experts. Our focus has been designing a set of recommendations to shorten eviction case processing timelines through creative approaches, including early mediation in eviction cases.

## Slow Eviction Case Timelines Are Harming Landlords and Tenants

Since the pandemic, eviction case timelines have grown significantly. While eviction cases previously had initial hearings about 30 days after complaint filing, landlords now wait up to 90 days between filing and the initial hearing. Subsequent hearings that previously were 2 to 3 weeks later now happen 2 to 3 months out. A slow enforcement process can discourage voluntary compliance, a phenomenon OAG sees in many other areas. In other words, when eviction cases slow down, tenants will not always prioritize rent over other bills. While understandable, especially given the loss in real wages and increase in expenses facing many District residents, the

result is an increasing number of tenants who are not paying their full rent every month.

Delay in the eviction case process hurts both landlords and tenants. As months pass, a tenant's back rent balance grows, making it less and less likely the tenant will be able to avoid eviction. Affordable housing landlords are only collecting 70 to 80 percent of the rent that is due, making it increasingly difficult to pay all of their bills, including for maintenance and long-term capital investment. Tenants who are still paying their rent are seeing worsening property management and housing conditions. If landlords are forced into foreclosure or bankruptcy, the affordability covenants on their properties may be lost, decreasing the supply of affordable units. In all of these respects, the unacceptably high level of unpaid rent threatens tenants and landlords alike.

OAG supports increased federal funding for the D.C. Courts to ensure Superior Court can devote enough judges and staff to move cases in the Landlord and Tenant Branch with reasonable speed. Unfortunately, funding for the D.C. Courts has been flat for four years, and the proposed federal Fiscal Year 2027 budget currently includes a 13% cut. Despite these challenges, Superior Court recently added a new magistrate judge and opened a fourth courtroom in the Landlord and Tenant Branch. We commend Chief Judge Lee and the Court for making this additional support available.

**Early Mediation in Eviction Cases Can Help Address the Current Nonpayment Crisis**

Given the challenges facing Superior Court, OAG supports creative alternatives to improve eviction case processing. The concept behind an eviction mediation program is to settle cases early to minimize the strain that each new case places on the Court. While many eviction cases settle – less than 1% of cases went to trial in 2025 – these settlements often happen months into the case, after the Court has invested substantial time and resources. Early mediation would make use of the 60 to 90 days between case filing and the initial hearing for the parties to engage, mediate, and settle. If enough landlords and tenants participate, early settlements will conserve judicial resources and also free up landlord and tenant attorneys to focus on those cases where early agreement is not possible. Early settlement also allows the landlord and tenant to disrupt nonpayment, address repairs and other tenant concerns, and get the relationship back on track.

However, early intervention will only work if both landlords and tenants have incentives to engage early. Landlords want enforceable written agreements with payment arrangements and promises of future rent payments. Tenants want repairs and reasonable payment terms. A financial incentive is needed as well, specifically a dedicated fund of rental assistance only available to cases that resolve through early mediation. In our Housing Unity Nonpayment Working Group, we identified two additional red lines for stakeholders: landlords do not want mediation to add any additional time to the eviction process, and tenants want to ensure access to attorneys during mediation.

**The Committee Should Amend the SHARE Act to Address Stakeholder Concerns**

The promise of an early eviction mediation program will only be realized if both landlords and tenants choose to engage. As drafted, the SHARE Act does not address key concerns raised by landlord and tenant stakeholders through the Housing Unity Nonpayment Working Group. To ensure a robust and successful program, OAG urges the Committee to amend the SHARE Act to address the following:

1. Early mediation should start at case filing. The SHARE Act requires participating landlords to engage in mediation *before* filing a complaint in Court, when the landlord serves a pre-suit 10-day notice. A landlord then could only file a complaint after receiving a "certificate of completion" from the mediation program, a process that would take at least 21 days. While the 21 days would run at the same time as the 10-day notice, it would still add at least 11 days to the process, crossing the red line identified for landlords in the Housing Unity Nonpayment Working Group.

   Instead, the Committee should start the mediation process when a participating landlord files a complaint in Court. Not every 10-day notice will result in an eviction case filing, and some tenants may not want to participate in mediation unless a Court case is pending. Focusing on cases actually filed avoids additional delay and directs scarce resources to the situations most ripe for early mediation and settlement.

2. Additional funding for housing counseling and legal services should be required. The SHARE Act provides that the Department of Housing and Community Development *may* award new grants for housing counseling and legal services for tenants. By not guaranteeing funding for tenants to have access to counsel, these provisions cross the red line identified for tenants in the Housing Unity Nonpayment Working Group.

   Instead, the Committee should include new funding to award legal services grants with funds earmarked for mediation, tapping into an established program and ensuring these tenants services will be available.

3. The cap on participating units should be high enough to have an impact. The SHARE Act sets a cap for the pilot program of 2,000 rental units. Even with current high rates of economic vacancy, many units will not have a nonpayment issue, and for those units that do, not all tenants will participate in mediation. A pilot program that might involve only a few hundred eviction cases out of approximately 15,000 filed each year is unlikely to have an impact. The Committee should consider increasing the current cap to at least 5,000 units.

4. Participating landlords should not receive a preference for stabilization grants. The SHARE Act provides participating landlords with priority for stabilization funding from the Housing Production Trust Fund. Landlords have noted this requirement could result in unfair outcomes, since the pilot program is limited in scope and many well-qualified landlords will not be able to participate. The Committee should remove this provision. While tenant engagement could be a prerequisite for stabilization grants, the criteria should allow landlords to qualify through efforts other than the SHARE pilot program.

**Conclusion**

In sum, the concept behind the SHARE Act is an important one—to bring landlords and tenants together to mediate and reach settlements early in the life of a nonpayment of rent eviction case. We urge the Committee to amend the SHARE Act to address landlord and tenant concerns and ensure a robust and successful program. Thank you, and I welcome any questions.