

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

<p>HARRY GURAL, Tenant/Petitioner,</p> <p style="text-align:center">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT Housing Provider/Respondent.</p>	<p>Case No.: 2016 DHCD TP 30,855</p> <p>3003 Van Ness Street, N.W. Apt. S-707 Administrative Law Judge: M. Colleen Currie</p>
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AFFIDAVIT OF HARRY GURAL

I, Harry Gural, declare under penalty of perjury that as president of the Van Ness South Tenants Association, I have participated in six of the seven activities protected against retaliation under the Rental Housing Act. The protected actions enumerated in the retaliation section (§42–3509.02) of the statute appear below, following in each case by examples of my actions:

§42–3509.02(b)(1) Has made a witnessed oral or written request to the housing provider to make repairs which are necessary to bring the housing accommodation or the rental unit into compliance with the housing regulations;

- 1) As president of the Van Ness South Tenants Association, I am the primary liaison between residents and Housing Provider management concerning safety and other issues, including elevator repair, electrical problems, security concerns, safety concern and other tenant complaints. I am in frequent oral and written communications with the building manager. Additional information about specific actions is provided below.

§42–3509.02(b)(2) Contacted appropriate officials of the District government, either orally in the presence of a witness or in writing, concerning existing violations of the housing regulations in the rental unit the tenant occupies or pertaining to the housing accommodation in which the rental unit is located, or reported to the officials suspected violations which, if confirmed, would render the rental unit or housing accommodation in noncompliance with the housing regulations;

- 2) I have reported dozens of possible violations of the DC Rental Housing Act after more than 75 tenants of the Housing Accommodations complained to me that the Housing Provider had assessed annual rent increases in excess of 2 percent plus the CPI-W. I have reported these actions many times to the

Office of the Mayor, the Rental Accommodations Division, the Office of the Tenant Advocate and the offices of several City Council Members. (2013-present).

- 3) I have provided information to the DC Office of the Attorney General for its current investigation of possible consumer protection violations by the Housing Provider. (2016-2017)
- 4) I am the lead investigator citywide of the Housing Provider's practice of filing with the Rental Accommodations Division "rents" that appear to far exceed the amounts paid by residents. As part of that effort, I have obtained almost 1,000 pages of corroborating evidence via the Freedom of Information Act (FOIA). I also have discovered by speaking to rental agents at six other Equity Residential buildings that the corporation has a widespread practice of using "concession" leases in rent-stabilized buildings. The Tenant has filed a second FOIA request, which is pending (2016-2017).
- 5) I testified twice before the City Council's Committee on Housing and Neighborhood Revitalization about the use of rent "concessions" by the Housing Provider and about the failure of the DC Rental Accommodations Division to conduct even minimal oversight. (2016-2017)
- 6) I organized a meeting of the tenants association featuring as guests Councilmember Anita Bonds and Councilmember Mary Cheh. Over 85 residents attended, and dozens were given the chance to tell the Councilmembers their personal stories of very large rent increases by the Housing Provider. Tenants complained not only about the rent practices, but about the many hours of their time it took to combat them. (October 2016)
- 7) At the request of the Office of the Tenant Advocate (OTA), I appeared on a panel on rent "concessions" at the annual Tenants Summit on September 24, 2016.
- 8) In response to frequent complaints by residents, I have reported multiple elevator problems over several years to the Housing Inspections unit of the Department of Consumer and Regulatory Affairs (DCRA) after receiving tenant complaints, including that elevator doors close suddenly and with enough force to cause harm (2014-2017).
- 9) In response to angry complaints by residents the Tenant, working with other VNSTA board members, reported fire safety violations to DCRA after several fire drills during which alarms did not go off in some parts of the Housing Accommodation (August 2016).

- 10) In response to dozens of noise complaints by residents, I investigated the practice by the Housing Provider of leasing a block of approximately 30 apartments to the University of the District of Columbia (UDC), which created a de-facto dorm of about 100 students in the Housing Accommodation. I further found that the UDC was violating the terms of the Zoning Order by subleasing apartments in summer months to interns, a summer camp program, a secondary-school program other various others. Effectively, the Housing Provider and UDC were allowing the Housing Accommodation to be used for short-term rentals, in some case less than a week long. As president of the tenants association, I submitted a complaint to the Office of the Zoning Administrator, which issued an order banning this practice. I continue to work directly with UDC on noise issues because the Housing Provider refuses to provide adequate oversight of its de-facto dorm within the Housing Accommodation (2014 to present).
- 11) In coordination with other VNSTA board members, I have worked with the head of DCRA's Housing Inspection Program to address dangerous conditions after a dog was electrocuted on the grounds of the Housing Accommodation. He convened a meeting with the head of DCRA Housing Inspections and with Equity Residential executives. DCRA cited Equity Residential for multiple safety violations (2015).
- 12) I have worked with the DC Metropolitan Police (PSA-2) to improve public safety after a rash of over 20 burglaries in 2014-15 due to lax security procedures at the Housing Accommodation, including failure to repair exterior doors, failure to install security cameras in critical areas, failure to archive the video of existing video cameras, failure to fix a garage door for several weeks, failure to maintain a security guard when burglaries were a consistent problem, and failure to adequately screen visitors to the building.
- 13) The Tenant worked inspectors from District Department of the Environment (DDOE) to stop illegal emissions of carcinogenic concrete dust caused by a balcony reconstruction project at the Housing Accommodations. The Tenant provided extensive video evidence of these actions to the DDOE and to the U.S. Environmental Protection Agency (EPA). The contractor was reprimanded for safety and air quality violations. (2013)

§42-3509.02(b)(4) Organized, been a member of, or been involved in any lawful activities pertaining to a tenant organization;

- 14) First as a board member then as president of the tenants association, I have helped a small, inactive organization grow to become one of the strongest tenant associations in the District of Columbia, with almost 200 members. I created a listserv for members, a website and social media accounts, which allow tenants to share general information as well as complaints about problems with the Housing Provider.

§42–3509.02(b)(5) Made an effort to secure or enforce any of the tenant’s rights under the tenant’s lease or contract with the housing provider; or

15) I have advocated for his my right to a maximum annual rent increase of 2 percent plus the CPI-W. He has advocated for the same on behalf of more than 75 members of the Van Ness South Tenants Association. I have also advocated for tenants’ rights to rent month-to-month after the expiration of a first lease. In addition, he has worked vigorously a safe environment for all residents of the Housing Accommodation, as outlined above.

§42–3509.02(b)(6) Brought legal action against the housing provider.

Not only have I brought my own Tenant Petition to the Office of Administrative hearings, I have advised dozens of other tenants who have filed or considered filing tenant petitions in response to what they believe are violations of the Rental Housing Act.

Harry Gural
President, Van Ness South Tenants Association

May 17, 2017