TENANTS
COLUMBIA PLAZA
ASSOCIATION

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Rec'd.
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COLUMBIA PLAZA TENANTS ASSOCIATION ("CPTA') TESTIMONY
BEFORE THE BOARD OF ZONING ADJUSTMENT ("BZA')
ON THE GEORGE WASHINGTON UNIVERSITY ("GWU")
CAMPUS PLAN # 16553

Good afternoon Board Members:

My name is Marilyn Rubin and I serve as President of the Columbia Plaza Tenants Association ("CPTA"), a five building complex surrounded by 23rd St, 'E' Street, and Virginia Avenue, NW. Columbia Plaza has about 825 units, and the CPTA has more than 100 members. Columbia Plaza was built in the mid-1960's and the first tenants moved in in 1967. It was built as part of the urban redevelopment in the city, and was insured by the Department of Housing and Urban Development ("HUD") to serve as a residence for moderate income residents.

In the past, George Washington University (GWU") has promised to stay within developmental limits imposed by the Campus Plan, incorporated into Washington, D.C.'s Comprehensive Plan. GWU has consistently strayed from its Campus Plan, imperiling residential rental housing in the Foggy Bottom Community. This pattern started in about 1990, when GWU signed an agreement with the owners of the West End Apartments at 2124 I Street, NW to become a "master lessor" with an option to purchase within a 10 year period. GWU prevailed in a court challenge to the "master lessor" practice, withstanding an argument that the agreement should have led to the tenants having the right of first refusal to purchase the building under the Rental Housing Conversion and Sale Act ("RHCSA"), 45 D.C. Code Section 1601 et seq.

GWU has successfully emptied the West End Apartments, having taken it out of the residential housing market, leaving only about ten senior citizens in the building. Senior citizens, under the RHCSA, have a right to a lifetime tenancy and cannot be evicted if a rental building changes use.

GWU has continued its vigorous expansion plans in violation of the Campus Plan as we speak. In December, 1999, it received a donation as part of their 28.55% ownership in Columbia Plaza. GWU is now using Columbia Plaza as part of it s campus "housing lottery", as an arrangement set up to assist its students in finding housing since it does not have adequate on-campus housing. GWU has an agreement with the majority owner (s) of Columbia Plaza that whenever a vacancy occurs, GWU will have preference in filling that vacancy by sending a student's name over to the Columbia Plaza rental office within one week Only if GWU does not send a student over to Columbia Plaza rental office, may anybody, other than a student apply to live in that unit.

BZA
Case No. 16553
Exhibit No. 216

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.216

GWU's practices raise a host of questions about whether the University has knowingly and voluntarily violated established District of Columbia and Federal laws. First, a question exists as to whether GWU has violated HUD guidelines and federal anti-discrimination laws by discriminating against everybody but students in its ownership capacity at Columbia Plaza. Second, a question exits as to whether GWU has violated the District of Columbia Human Rights Act by discriminating in favor of students, an obvious question of age discrimination. Third, a question exists as to whether GWU has violated its Campus Plans. It has not only vigorously asserted control over Columbia Plaza, but has ruined residential housing at the Aston on New Hampshire Avenue, NW and buildings on Pennsylvania Avenue, NW, etc., by coming in and placing students in these formerly residential buildings. Fourth, a question exists as to whether GWU has violated the RHCSA by acting as a "master lessor" at Columbia Plaza (after the West End incident, the RHCSA was amended to give the tenants the right of first refusal if a third-party, such as GWU would come in as a "master lessor.") Fifth, a question exists as to whether GWU has violated the Rental Housing Act, 45 D.C. Code Section 2501 et seq. by attempting to turn buildings such as Columbia Plaza and the Aston, among others, into dormitories or other transient housing. This would also violate the D.C. Housing Code, 14 D.C.M.R., preventing rental housing from going to dormitories (95% student occupancy.) Sixth, there is a question whether GWU has now influenced Columbia Plaza to illegally raise rents.

The CPTA submits that GWU has violated the law(s) in most, if not all, of the examples listed above. That is why Stephen Joes Trachtenberg and GWU cannot be trusted to give verbal assurances or written assurances of a Voluntary nature. GWU's mendacious words and acts in the past decade belie any attempts that Mr. Trachtenberg thinks he has made to resolve these issues. He mislead the community about GWU's involvement in Columbia Plaza earlier this year, just to highlight the University's sincerity in dealing with the city. GWU and Stephen Trachtenberg are like two pit bulls. The city has leash laws and muzzle laws to prevent pit bulls from harming people and neighborhoods. The city must also use leash laws and muzzle laws to reject the GWU Campus Plan, and make this non-taxpaying entity a good community citizen.

Respectfully submitted

Marilyn Rubin

Marilyn Rubin, President
Columbia Plaza Tenants Association

September 13, 2000

Thursday, September 7, 2000

The GW Hatchet
An Independent Student Newspaper
Serving The George Washington University Community Since 1904

Experts question rental rate hike

by Ashley M. Heher
Associate News Editor

Legal experts said Columbia Plaza management may have overstepped its legal bounds by increasing rent up to 40 percent for some residents and requiring students to sign a notice when new roommates move in.

Legal advisers and city officials at a Columbia Plaza Tenants Association meeting Thursday urged angry tenants, especially students, to immediately examine a rental history of their unit and calculate all rent and rent-ceiling increases. About 100 residents of the 800-unit apartment building attended.

Marilyn Rubin, CPTA president, said the rent increases, which are as high as $450 a month for some tenants, are suspicious because Columbia Plaza is a rent-controlled property. Rental rates for Columbia Plaza rooms cannot increase more than 2.1 percent a year, no matter how long the tenant lives in the building, according to D.C. law. There are a few exceptions to the code.

But, D.C. law allows landlords to implement rent increases accumulated from previous years. The one stipulation is that tenants receive one increase at a time, which usually occurs every six months for tenants with year-long leases and every three months for tenants with month-to-month leases.

Leasing agents and management officials told some students living in Columbia Plaza they must sign a notice to vacate and then sign a new lease when a new roommate moves in – allowing the apartment's management to raise the rent and the rent ceiling.

If an apartment becomes vacant, the landlord may increase the apartment's rent by 12 percent – a figure that can also factor into rent increases, said Betty Sellers, a tenant advocate who works with the Columbia Plaza Tenant's Association.

"The point of having lots of students in the buildings, as long as there's a constant turnover, rents will increase," said David Conn, a tenant advocate who has been working with Columbia Plaza residents since the 1980s.

Because it creates a legal question that has not been tested, the practice is in a "legal gray area," Conn and Sellers said.

"I think it's a new issue," Conn

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Rent increases create concern

from p.1

said. "We haven't had buildings like Columbia Plaza where the student population is so big. The practice of the vacancy increase ought to be challenged. If this has happened before, it's happened on a very small scale. I think this is an issue that'll come to the forefront now. I think a victory for students might change the University's thinking."

GW became a shareholder in the complex when it purchased about 29 percent of the property in January. Under D.C. law, the University cannot turn the property into a residence hall, but the University does hope to include the property in this year's residence hall lottery, said Bob Chernak, vice president for Student and Academic Support Services.

When an apartment becomes available in the building, the University has one week to respond to the property's management and request that the University take over the unit. If GW decides to pass, the unit will go on the market, Chernak said.

If the University purchases the unit, it will be offered to GW students, he said. Until a student moves into the unit, the University will pay the rent on the property.

Conn and Sellers said this practice puts the University in the role of "master lessor" – a legal term that means GW still has the power to determine who fills each unit even though the University is not the sole owner of the building.

D.C. law usually allows for a "right of first refusal" to tenants, Sellers and Conn said. Under that provision, tenants are allowed to buy the property themselves before it is turned over to a third party. But, if sections of the property are sold to a third party – like GW – over the period of at least a year, the right of first refusal clause is void, Conn said.

University officials said they had no part in the building's rent hikes, but some residents said the higher prices are a result of the University's new control in the building.

Conn and Sellers said they agree.

"I think it's the GW influence that's causing this problem," Conn said. "I think they're looking for some loopholes in the law so they can take it over."

The University has not disclosed how much it paid for its share of the property, but the entire five-tower complex was assessed at nearly $33 million in 1999, according to a February Washington Post article. With its holdings in the property, the University would be allowed control of about 240 units, according to a memo from the Foggy Bottom Advisory Neighborhood Commission.

"For (GW) to argue that (it is) a silent partner and that the management company is really calling the shots seems ludicrous," Conn said. "Most tenants, especially students, have no idea what their rights are and have no idea what the law and regulations imply. They can use that against regular tenants and students."

After students finish moving into the building this fall, as many as 500 units may be filled by GW students, CPTA officials said.