6906   POWERS, DUTIES, AND LIMITATIONS OF A RECEIVER

6906.1   Except as otherwise provided by the Superior Court, a receiver shall have the authority to:

(a)   Take charge of the operation and management of the rental housing accommodation and assume all rights to possess and use the building, fixtures, furnishings, records, and other related property and goods that the owner or property manager would have if the receiver had not been appointed; and

(b)   Give notice of the receivership, in accordance with section 506(b) of the Act and § 6907 of this chapter, to the rental housing accommodation's tenants and employees, all public utility providers whom the owner was responsible for paying before the appointment of the receiver, any mortgage company holding a lien against the property, and any other person whom the Superior (b) Court orders should receive notice;

(c)   Collect all rents and payments for use and occupancy;

(d)   Make capital improvements to the property only if necessary to abate housing code violations;

(e)   Apply for grants and subsidies for the relief of distressed properties to the same extent as the owner of the rental housing accommodation;

6906.2   In addition to the authority set forth in § 6906.1, the receiver shall:

(a)   Be entitled to a reasonable fee established by the Superior Court and payable from the revenues of the rental housing accommodation.

(b)   Not enter into contracts that affect the ownership of the property.

(c)   Be personally liable only for his or her acts of gross negligence or intentional wrongdoing in carrying out the receivership.

6906.3   Within thirty (30) days after appointment, the receiver shall submit to the Superior Court a plan for rehabilitation of the rental housing accommodation, including the projected dates when all causes giving rise to the appointment will be abated and a financial forecast indicating how the rehabilitation will be paid for.

6906.4   The receiver shall serve a copy of the plan upon the owner of record, the Corporation Counsel, and the tenants of the rental housing accommodation, or their representative.

6906.5   The receiver shall report to the Superior Court every six (6) months after the filing of the

report required under section 506(a)(4) of the Act and § 6906.3 of this section, describing the progress made in abating the conditions giving rise to the appointment, updating the financial forecast for the rehabilitation, and describing any changes in the condition of the rental housing accommodation that may change the proposed completion dates submitted under section 506(a)(4) of the Act and § 6906.3 of this section.

6906.6   The receiver shall serve a copy of the report upon the owner of record, the Corporation Counsel, and the tenants of the rental housing accommodation, or their representative.

6906.7   The receiver shall preserve all property and records with which the receiver has been entrusted.

6906.8   The receiver shall assume all the rights of the owner to enforce or avoid terms of a lease, mortgage, secured transactions, and other contracts related to the rental housing accommodation and its operation.

6906.9   The receiver shall provide a final accounting to the Superior Court within thirty (30) calendar days after termination of the receivership of all receivership property, all funds collected, and all expenses incurred.

6906.10 The, receiver shall carry out any other duties established by the Superior Court.

SOURCE: Notice of Final Rulemaking published at 49 DCR 7488, 7499-7500 (August 2, 2002).

EDITOR'S NOTE: Pursuant to Mayor's Order 2004-92, dated May 26, 2004, the Office of the Corporation Counsel was re-designated as the Office of the Attorney General. Therefore, all references in this section to the "Office of the Corporation Counsel" or "Corporation Counsel" shall mean the "Office of the Attorney General" or "Attorney General," respectively.

In the Notice of Final Rulemaking, two (2) subsections 6906.4 were enumerated. The second subsection 6906.4 has been renumbered 6906.5 in this section to correct the mistake.