COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. Law 3-131

"Rental Housing Act of 1980".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 3-321 on first, amended first and second readings, November 12, 1980, November 25, 1980 and December 9, 1980, respectively. Following the signature of the Mayor on January 7, 1981, this legislation was assigned Act No. 3-340, published in the January 23, 1981 edition of the D.C. Register, (Vol. 28 page 326) and transmitted to Congress on January 13, 1981 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 3-131, effective March 4, 1981.

ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	13,14,15,16,19,20,21,22,23,26,27,28,29,30
February	2,3,4,5,6,17,18,19,20,23,24,25,26,27,
March	2,3

Enrolled Original

D.C. LAW 3-131

EFFECTIVE DATE MAR 04 1981

AN ACT

D.C. ACT 3-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 07 1981

To provide relocation assistance, stabilize residential rents, provide eviction controls, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rental Housing Act of 1980".

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The Council of the District of Columbia

TITLE I

Sec. 101. Findings.

The Council of the District of Columbia finds that:

CODIFICATION
D.C. Code,
sec. 45-1601

(a) There is a severe shortage of rental housing available to citizens of the District of Columbia;

(b) The shortage of housing is growing due to conversions of rental units to other uses, primarily condominiums, the withdrawal of housing units from the housing market, deterioration of existing housing units, and the lack of development of new or rehabilitated housing units;

(c) The shortage of housing is felt most acutely among low- and moderate-income renters;

(d) Such low- and moderate-income renters are finding a shrinking pool of available housing units, and increasing rents which consume an excessive percentage of their incomes;

(e) Cases of rental costs exceeding fifty percent (50%) of a tenant's gross income are not uncommon and more than thirty-nine thousand (39,000) renter households were reported to have

been paying in excess of thirty-five percent (35%) of their gross incomes on rent in 1977;

(f) Continued and improved limitations upon conversion of rental property to other uses will help to stabilize the housing market in the District of Columbia; and

(g) Improved procedures within the Rental Accommodations Office will aid in the accomplishment of the public objectives of this act.

Sec. 102. Purposes.

D.C.Code, sec. 45-1602

In enacting this act, the Council of the District of Columbia supports the following statutory purposes:

(a) To protect low- and moderate-income tenants from the erosion of their income from increased housing costs;

(b) To provide incentives for the construction of rental units and the rehabilitation of vacant rental units in the District of Columbia;

(c) To improve the administrative machinery for the resolution of disputes and controversies between landlords and tenants;

(d) To protect the existing supply of rental housing from conversion to other uses; and

(e) To prevent the erosion of moderately priced rental housing while providing landlords and developers with a reasonable rate of return on their investments.

Sec. 103. Definitions. For the purposes of this act, the term:

D.C.Code, sec. 45-1603

(1) "Apartment Improvement Program" means the program which is administered with grant funds from title I of the Housing and Community Development Act of 1974, approved August 22, 1974 (88 Stat. 633; 42 U.S.C. sec. 5301) by the District of Columbia Department of Housing and Community Development, developed by the Neighborhood Reinvestment Corporation pursuant to the National Neighborhood Reinvestment Corporation Act, approved October 31, 1978 (92 Stat. 2115; 42 U.S.C. sec. 8101), and operated under the supervision of the public-private Partnership Committee, which program has been established for the purpose of finding solutions to the economic and physical distress of moderate income rental apartment buildings by joining the tenants,

landlord, noteholder, and the District of Columbia government in a collective effort.

(2) "base rent" means that rent legally charged or chargeable on September 30, 1980, for the rental unit which shall be the sum of rent charged on February 1, 1973, and all rent increases authorized for that rental unit by prior rent control laws or any administrative decision issued thereunder, or any rent increases authorized by a court of competent jurisdiction.

(3) "Building Improvement Plan" means the agreement executed between the parties of interest, including the tenants, owner, and the District of Columbia government, at a property being treated under the Apartment Improvement Program, which agreement sets forth the remedies to the property's distress, including, but not limited to:

(A) A schedule of repairs and capital improvements which, at a minimum, will bring the property into substantial compliance with the Housing Regulations;

(B) A schedule of services and facilities;

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(C) A schedule of rent ceilings and rent increases; and which agreement is monitored by District of Columbia government until it expires upon completion of all physical improvements and other scheduled activities included therein.

(4) "capital improvement" means an improvement or renovation other than ordinary repair, replacement, or maintenance: PROVIDED, That such improvement is deemed depreciable under the Internal Revenue Code (26 U.S.C.).

(5) "Council" means the Council of the District of Columbia as established by section 401 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 785; D.C. Code, sec. 1-141).

(6) "dormitory" means any structure or building owned by an institution of higher education or private boarding school, in which at least ninety-five percent (95%) of the units are occupied by presently matriculated students of such institution of higher education or private boarding school.

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(7) "equity" means the portion of the assessed value of a housing accommodation that exceeds the total value of all encumbrances on the housing accommodation.

(8) "housing accommodation" means any structure or building in the District of Columbia containing one (1) or more rental units and the land appurtenant thereto. The term "housing accommodation" shall not include any hotel or inn with a valid certificate of occupancy.

(9) "Housing Regulations" means the most recent edition of the Housing Regulations of the District of Columbia as established by the Commissioner's Order No. 55-1503, effective August 11, 1955.

(10) "initial leasing period" means that period for which the first tenant of a rental unit rents such rental unit. For units described in section 210, the first tenant is the tenant who rents such rental unit immediately after the date it is first offered for rent as a rental unit which is not otherwise exempt from this act.

(11) "interest payments" means the amount of interest paid during a reporting period on a

mortgage or deed of trust on a housing accommodation.

(12) "landlord" means an owner, lessor, sublessor, assignee, any agent thereof, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any rental unit within a housing accommodation within the District of Columbia.

(13) "management fee" means the amount paid to a managing agent and any pro rata salaries of off-site administrative personnel paid by the landlord: PROVIDED, That the duties of such personnel are connected with the operation of the housing accommodation.

(14) "maximum possible rental income" means the sum of the rents for all rental units in the housing accommodation, whether occupied or not, computed over a base period of the twelve (12) consecutive months within the fifteen (15) months preceding the date of any filing required or permitted under this act.

(15) "Mayor" means the Office of the Mayor of the District of Columbia as established under section 421 of the District of Columbia Self-

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Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 789; D.C. Code, sec. 1-161).

(16) "Office" means the Rental Accommodations Office as continued by section 204(a).

(17) "operating expenses" means the expenses required for the operation of a housing accommodation for the twelve (12) consecutive months within the fifteen (15) months preceding the date of its use in any computation required by any provision of this act, including but not limited to, expenses for salaries of on-site personnel, supplies, painting, maintenance and repairs, utilities, professional fees, on-site offices, and insurance.

(18) "other income which is derived from the housing accommodation" means any income, other than rents, which a landlord earns because of his or her ownership of a housing accommodation, including but not limited to, fees, commissions, income from vending machines, income from laundry facilities, and income from parking and recreational facilities.

(19) "person" means an individual, corporation, partnership, association, joint venture, business entity, or an organized group of individuals, and their respective successors and assignees.

(20) "property taxes" means the amount levied by the District of Columbia government for real property tax on a housing accommodation during a tax year.

(21) "related facility" means any facility, furnishing, or equipment made available to a tenant by a landlord, the use of which is authorized by the payment of the rent charged for a rental unit, including any use of a kitchen, bath, laundry facility, parking facility, or the common use of any common room, yard, or other common area.

(22) "related services" means services provided by a landlord, required by law or by the terms of a rental agreement, to be provided by a landlord to a tenant in connection with the use and occupancy of a rental unit, including repairs, decorating and maintenance, the provision of light, heat, hot and cold water, air conditioning,

telephone answering or elevator services, janitorial services, or the removal of trash and refuse.

(23) "rent" means the entire amount of money, money's worth, benefit, bonus, or gratuity demanded, received, or charged by a landlord as a condition of occupancy or use of a rental unit, its related services, and its related facilities.

(24) "rent ceiling" means that amount defined in or computed under section 207.

(25) "Rental Accommodations Act of 1975" means the Rental Accommodation Act of 1975, effective November 1, 1975 (D.C. Law 1-33; D.C. Code, sec. 45-1631 et seq.).

(26) "Rental Housing Act of 1977" means the Rental Housing Act of 1977, effective March 16, 1978 (D.C. Law 2-54; D.C. Code, sec. 45-1681 et seq.).

(27) "rental unit" means any part of a housing accommodation as defined in section 103(8) which is rented or offered for rent for residential occupancy and includes any apartment, efficiency apartment, room, single-family house and the land appurtenant thereto, suite of rooms, or duplex.

[illegible stamp]

(28) "substantial rehabilitation" means any improvement to or renovation of a housing accommodation for which: (a) the building permit was granted on or after February 1, 1973; and (b) the total expenditure for the improvement or renovation equals or exceeds fifty percent (50%) of the assessed value of the housing accommodation before such rehabilitation.

(29) "substantial violation" means the presence of any housing condition, the existence of which violates the Housing Regulations, or any other statute or regulation relative to the condition of residential premises and may endanger or materially impair the health and safety of any tenant or person occupying the property.

(30) "tenant" includes a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits thereof of any rental unit owned by another person.

(31) "uncollected rent" means the amount of rent and other charges due for at least thirty (30) days but not received from tenants at the time any statement, form, or petition is filed pursuant to this act.

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(32) "vacancy loss" means the amount of rent not collectable due to vacant units in a housing accommodation. No amount shall be included therein for units occupied by a landlord or his or her employees or otherwise not offered for rent.

TITLE II

RENT STABILIZATION PROGRAM

Sec. 201. Abolition of Rental Accommodations Commission.

D.C.Code, sec. 45-1611

(a) Except as provided in subsection (b), the District of Columbia Rental Accommodations Commission as established under section 101(a) of the Rental Accommodations Act of 1975 and continued under section 201 of the Rental Housing Act of 1977 is abolished.

(b) Individuals serving on the Rental Accommodations Commission on the effective date of this act shall remain in office until the members of the Rental Housing Commission are duly sworn into office.

Sec. 202. Establishment of Rental Housing Commission; Qualifications; Compensation; Removal.

D.C.Code, sec. 45-1612

(a) There is established the Rental Housing Commission which shall be composed of three (3)

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members appointed by the Mayor with the advice and consent of the Council. The Mayor shall appoint the first members of the Rental Housing Commission within thirty (30) days of the effective date of this act. The Mayor shall designate one (1) member of the Rental Housing Commission as the chairperson.

(b) The Rental Housing Commission shall be composed of two (2) individuals admitted to practice before the District of Columbia Court of Appeals, and one (1) accountant. All members of the Rental Housing Commission shall be residents of the District of Columbia. No member shall be either a landlord or a tenant.

(c) Each member of the Rental Housing Commission shall receive annual compensation payable in regular installments at the rate of compensation equivalent to that received by an employee compensated at a grade 14 of the District Schedule established under Title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-341.1 _et seq._).

(d) The Mayor shall remove any member of the Rental Housing Commission who fails to maintain the qualifications of a member or who fails to attend eighty percent (80%) of the regularly scheduled Rental Housing Commission meetings held within any three (3)-month period.

Sec. 203. Duties of the Rental Housing Commission.

D.C.Code, sec. 45-1613

(a) The Rental Housing Commission shall:

(1) issue, amend, and rescind rules and procedures for the administration of this act;

(2) decide appeals brought to it from decisions of the Rent Administrator, including appeals under the Rental Accommodations Act of 1975 and the Rental Housing Act of 1977; and

(3) certify and publish within thirty (30) days after the effective date of this act and prior to March 1 of each year thereafter the annual adjustment of general applicability in the rent ceiling for a rental unit under section 207(b).

(b)(1) The Rental Housing Commission may hold hearings, sit and act at times and places within the District of Columbia, administer such oaths,

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and require by subpoena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents as the Rental Housing Commission may deem advisable in carrying out its functions under this act.

(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) by any person who resides, is found, or transacts business within the District of Columbia, the Superior Court of the District of Columbia, at the written request of the Rental Housing Commission, shall issue an order requiring the contumacious person to appear before the Rental Housing Commission, to produce evidence if so ordered or to give testimony touching upon the matter under inquiry. Any failure of the person to obey any order of the Superior Court of the District of Columbia may be punished by that court as contempt thereof.

(c) Upon the written request of the chairperson of the Rental Housing Commission, each department or entity of the District of Columbia government may furnish directly to the Rental

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Housing Commission such assistance and information, as may be necessary for the Rental Housing Commission to carry out effectively this act.

Sec. 204. Rental Accommodations Office.

(a) There is continued as an agency of the District of Columbia government, within the Executive Branch, a Rental Accommodations Office which shall have as its head a Rent Administrator to be appointed by the Mayor.

D.C.Code, sec. 45-1614

(b) The Rent Administrator shall possess experience of a technical nature in landlord-tenant affairs or in a field directly related thereto, shall be a resident of the District of Columbia and shall be entitled to receive annual compensation (payable in regular installments) at the rate of grade 15 of the District Schedule established under title XI of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-341.1 et seq.).

Sec. 205. Duties of the Rent Administrator.

(a) The Rent Administrator shall draft rules and procedures for the administration of this act.

D.C.Code, sec. 45-1615

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to be transmitted to the Rental Housing Commission for its action pursuant to section 203(a)(1)).

(b) The Rent Administrator shall carry out, according to rules and procedures established by the Rental Housing Commission under section 203(a)(1), the rent stabilization program established under title II and shall perform such other duties as may be necessary, appropriate, and consistent with the provisions of this act.

(c) The Rent Administrator or his or her designee shall have jurisdiction over those complaints and petitions arising under titles II, V, VI, and VII which may be disposed of through administrative proceedings.

(d) The Rent Administrator shall propose an annual budget and recommend such staff as will enable the Office and the Rental Housing Commission to carry out their respective authorities under provisions of this act.

(e)(1) The Rent Administrator may employ, with such funds as may be available to the Rent Administrator, such personnel and consultants, including hearing examiners and legal counsel, as

are necessary to carry out the provisions of this act.

(2) In accordance with the regulations issued by the Rental Housing Commission, the Rent Administrator may delegate authority to those employees appointed in conformity with paragraph (1). Such authority may include, but is not limited to: (1) hearing administrative petitions filed or initiated under this act, (2) issuing decisions on such petitions, and (3) rendering final orders on any petition heard by such employee.

(f) The Rent Administrator shall assist and provide staff support to the Rental Housing Commission.

(g) The Rent Administrator or his or her designee shall attend all meetings of the Rental Housing Commission, and shall make available to the Rental Housing Commission such books, reports, and data collected and whatever staff support the Rental Housing Commission may require in order to carry out effectively their duties under this act.

(h)(1) The Rent Administrator shall have the power to hold hearings, sit and act at those times

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and places within the District of Columbia, administer oaths, and require by subpoena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents as the Rent Administrator may deem necessary in carrying out his or her functions under this act.

(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) by any person who resides, is found, or transacts business within the District of Columbia, the Superior Court of the District of Columbia, at the written request of the Rent Administrator, shall issue to such contumacious person an order requiring such person to appear before the Rent Administrator, to produce evidence if so ordered, or to give testimony touching upon the matter under inquiry. Any failure of such person to obey any order of the Superior Court of the District of Columbia may be punished by that court as contempt thereof.

(i) Upon the written request of the Rent Administrator, each department or entity of the District of Columbia government may furnish

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directly to the Rent Administrator such assistance and information as may be necessary to effectively discharge the functions required under this act.

(j) The Rent Administrator shall publish in English and Spanish within sixty (60) days after the effective date of this act a booklet or other such written material describing the rights and obligations of tenants and landlords and procedures pursuant to this act. This material shall be distributed through the District of Columbia libraries and other District of Columbia offices in which the public has frequent contact and at the office of any community organization which requests to distribute such material.

(k) The Rent Administrator shall publish within thirty (30) days after the effective date of this act and prior to March 1 of each year thereafter in the D.C. Register, the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items, in the Washington, D.C., Standard Metropolitan Statistical Area (SMSA), during the preceding calendar year.

Sec. 206. Registration and Coverage.

D.C.Code, sec. 45-1616

(a) Section 206(d) through section 220 (except section 215) shall apply to each rental unit in the District of Columbia except:

(1) any rental unit in any federally- or District-owned housing accommodation; or in any housing accommodation with respect to which the mortgage or rent is federally or District-subsidized; except units subsidized pursuant to title III;

(2) any rental unit in any newly-constructed housing accommodation for which the building permit was issued after December 31, 1975, or any rental unit in a housing accommodation for which the initial Certificate of Occupancy for housing use was issued after January 1, 1980: PROVIDED, HOWEVER, That this exemption shall not apply to any housing accommodation, the construction of which required the demolition of any housing accommodation subject to this act, unless the number of newly-constructed rental units exceeds the number of demolished rental units;

(3) any rental unit in any housing accommodation of four (4) or fewer units,

including any aggregate of four (4) units whether within the same structure or not: PROVIDED, That:

(A) such housing accommodation is owned by not more than four (4) natural persons;

(B) none of such owners has an interest either directly or indirectly, in any other rental unit in the District of Columbia; and

(C) the owner(s) of such housing accommodation shall file with the Rent Administrator a claim of exemption statement which shall consist of an oath or affirmation by such owner(s) of the valid claim to the exemption. The claim of exemption statement shall also contain the signatures of each person having an interest (direct or indirect) in the housing accommodation. Any change in the ownership of the exempted housing accommodation or change in the owner's interest in any other housing accommodation which would invalidate the exemption claim must be reported in writing to the Rent Administrator within thirty (30) days of such change;

(4) any housing accommodation which has been continuously vacant and not subject to a rental agreement since January 1, 1980: PROVIDED,

That upon rerental such housing accommodation is in substantial compliance with the Housing Regulations when offered for rent;

(5) any rental unit operated by a foreign government as a residence for diplomatic personnel;

(6) housing accommodations for which a Building Improvement Plan has been executed pursuant to the Apartment Improvement Program: PROVIDED, That:

(A) The Building Improvement Plan, accompanied by a Certification signed by the tenants of seventy percent (70%) of the occupied units, is filed with the Office at the time of execution.

(B) Upon expiration of the Building Improvement Plan, the exemption provided pursuant to this paragraph shall terminate and such housing accommodation will again be subject to sections 205(d) through 220; and

(C) Upon expiration of the Building Improvement Plan, and notwithstanding the provisions of section 210, the schedule of rent ceilings, services, and facilities established by

the Building Improvement Plan shall be deemed the rent ceilings and service and facility levels established for the purposes of title II.

(b) Prior to the execution of a lease or other rental agreement after the effective date of this act, a prospective tenant of any unit exempted under section 206(a) shall receive a notice in writing advising him or her that rent increases for the accommodation are not regulated by the Rent Stabilization Program.

(c) This act shall not apply to the following rental units:

(1) any rental unit in an establishment which has as its primary purpose the providing of diagnostic care and treatment of diseases, including, but not limited to, hospitals, convalescent homes, nursing homes, and personal care homes;

(2) any dormitory;

(3) following a determination by the Rent Administrator, any rental unit intended for use as long-term temporary housing by families with two (2) or more members with incomes below fifty percent (50%) of the District of Columbia

median income, for which the rent to be paid is less than the payment by the landlord for operating costs interest payments. The landlord of any such rental unit must be a nonprofit charitable corporation that operates the unit as part of a comprehensive social services program for such families.

(d) Within ninety (90) days of the effective date of this act, each landlord of any rental unit not exempted by this act and not registered under the Rental Housing Act of 1977, shall file with the Rent Administrator, on a form approved by the Rent Administrator, a new registration statement for each housing accommodation in the District of Columbia for which he or she is receiving rent or is entitled to receive rent. Any person who becomes a landlord of such a rental unit after the effective date of this act shall have thirty (30) days within which to file a registration statement with the Rent Administrator. The registration form shall contain, but not be limited to:

(1) For each accommodation requiring a housing business license, the date(s) and number(s) of that housing business license and the

certificates of occupancy where required by law, issued by the District of Columbia government;

(2) for each accommodation not required to obtain a housing business license, the information contained therein and the date and number of the certificates of occupancy issued by the District of Columbia government, and a copy of each certificate;

(3) the base rent for each rental unit in the accommodation, the related services included, and the related facilities and charges therefor;

(4) the number of bedrooms in the housing accommodation;

(5) a list of any outstanding violations of the Housing Regulations applicable to such accommodation or an affidavit by the building owner or manager that there are no known outstanding violations; and

(6) the rate of return for the housing accommodation and the computations made by the landlord to arrive at such rate of return by application of the formula provided in section 213.

(e) An amended registration statement shall be filed by each landlord whose rental units are subject to registration under this act, within thirty (30) days of any event which changes or substantially affects the rents, services, facilities, or the ownership or management of any rental unit in a registered housing accommodation: PROVIDED, That no such amended registration statement shall be required for a change in rent pursuant to section 207(b).

(f) Each registration statement filed under this section shall be available for public inspection at the Office, and each landlord shall keep a duplicate of the registration statement posted in a public place on the premises of the housing accommodation to which such registration statement applies: PROVIDED, That each landlord may, in lieu of posting in each housing accommodation comprised of a single rental unit, mail to each tenant of such housing accommodation a duplicate of the registration statement.

(g) Each registration statement filed under this section which meets the minimum requirements established by this act and by the rules of

procedure of the Rental Housing Commission, shall be assigned a registration number.

(h) Each certificate of occupancy and each housing business license issued to any landlord in the District of Columbia after the effective date of this act shall contain the registration number of the housing accommodation to which such certificate or license applies.

Sec. 207. Rent Ceiling.

D.C.Code, sec. 45-1617

(a) Except to the extent provided in subsections (b) and (c), no landlord of any rental unit subject to this act may charge or collect rent for such rental unit in excess of the amount computed by adding to the base rent not more than all rent increases authorized after September 30, 1980, for the rental unit by this act, by prior rent control laws, and any administrative decision thereunder, and by a court of competent jurisdiction. No tenant may sublet a rental unit at a rent greater than that tenant pays the landlord.

(b) On an annual basis, the Rental Housing Commission shall determine an adjustment of general applicability in the rent ceiling

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established by subsection (a). This adjustment of general applicability shall be equal to the change during the previous calendar year, ending each December 31, in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items during the preceding calendar year: PROVIDED, That no adjustment of general applicability shall exceed ten percent (10%). A landlord may not implement an adjustment of general applicability, or an adjustment permitted by subsection (c) for a rental unit within twelve (12) months of the effective date of a previous adjustment of general applicability, or in lieu thereof, an adjustment permitted by subsection (c) in the rent ceiling for that unit.

(c) At the landlord's election, in lieu of any adjustment authorized by subsection (b), the rent ceiling for an accommodation may be adjusted through a hardship petition pursuant to section 213. Such a petition shall be clearly identified as an election in lieu of the general adjustments authorized by section 207(b). The Rent Administrator shall accord an expedited review

process for such petitions and shall issue and publish a final decision within ninety (90) days after the petition has been filed. In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator or his or her designee at the end of ninety (90) days from the date of filing thereof (and as to which the landlord is not in default in complying with any information request made under section 217(c), the rent ceiling adjustment requested in the petition may be conditionally implemented by the landlord at the end of such ninety (90) day period. Such conditional rent ceiling adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator or his or her designee on the petition: PROVIDED, HOWEVER, That if a hearing has been held on the petition, the Rent Administrator or his or her designee shall, by order served upon the parties at least ten (10) days prior to the expiration of such ninety (90) days, make a provisional finding as to the rent ceiling adjustment justified by such order, if any. Except to the extent modified herein, the

adjustment procedures of section 217 shall apply to any adjustment.

(d) If on the effective date of this act the rent being charged exceeds the allowable rent ceiling, that rent shall be reduced to the allowable rent ceiling effective the next date that the rent is due: PROVIDED, That this subsection shall not apply to any rent administratively approved under the Rental Accommodations Act of 1975, Rental Housing Act of 1977, or any rent increase authorized by a court of competent jurisdiction. The landlord shall notify the tenant in writing of any decrease required pursuant to this act prior to the effective date of the decrease.

(e) A tenant may challenge a rent adjustment implemented pursuant to subsection (b) by filing a petition with the Rent Administrator under section 217.

Sec. 208. Adjustments in the Rent Ceiling.

D.C.Code, sec. 45-1618

The rent ceiling for a particular rental unit computed according to the procedures specified in section 207 may be increased or decreased, as the case may be:

(a) according to section 211 to allow for the cost of capital improvements;

(b) according to section 212 to allow for any increase or decrease of related services and facilities;

(c) according to any final order of hardship adjustment permitted under section 213;

(d) according to section 214 as the result of a voluntary vacancy;

(e) according to section 215 because of substantial rehabilitation; or

(f) according to section 216 because of a voluntary agreement.

Sec. 209. Qualifications for Increases Above the Base Rent.

D.C.Code, sec. 45-1619

(a)(1) Notwithstanding any provision of this act, the rent for any rental unit shall not be increased above the base rent unless: (A) the rental unit and the common elements are in substantial compliance with the Housing Regulations: PROVIDED, That noncompliance is not the result of tenant neglect or misconduct. Evidence of such substantial noncompliance shall be limited to Housing Regulations violation

notice(s) issued by the District of Columbia Department of Housing and Community Development and such other offers of proof as the Rental Housing Commission shall deem acceptable through its rulemaking procedures; (B) the housing accommodation is registered in accordance with section 205(d); (C) the landlord of such housing accommodation is properly licensed pursuant to a statute or regulations if such statute or regulations require such licensing; (D) the manager of such accommodation, when other than the owner, is properly registered pursuant to the Housing Regulations if such regulations require such registration; and (E) notice of such increase complies with sections 208(g) and 905.

(2) Where the Rent Administrator finds that there have been excessive and prolonged violations of the Housing Regulations affecting the health, safety, and security of the tenants or the habitability of the housing accommodation in which such tenants reside and that the landlord has failed to correct such violations, the Rent Administrator may roll back the rents for the affected rental units to an amount which shall not

be less than the February 1, 1973, base rent for such rental units until such time as the violations have been abated.

(b) A housing accommodation and each of the rental units therein shall be deemed to be in substantial compliance with the Housing Regulations:

(1) if, for purposes of the adjustments made in the rent ceiling in sections 207 and 208, all substantial violations cited at the time of the last inspection of the housing accommodation by the Department of Housing and Community Development prior to the effective date of the increase were abated within a forty-five (45) day period following the issuance of the citation(s) or that time granted by the Department of Housing and Community Development, and the Department of Housing and Community Development has certified the abatement, or the owner or the tenant has certified the abatement and has presented evidence to substantiate such certification: PROVIDED, That no certification of abatement shall establish compliance with the Housing Regulation unless the

tenants have been given ten (10)-day notice and an opportunity to contest such certification; and

(2) if, for purposes of the filing of petitions for adjustments in the rent ceiling as prescribed in section 217, the housing accommodation and each of the rental units therein have been inspected at the request of each landlord by the Department of Housing and Community Development within the thirty (30) days immediately preceding the filing of a petition for adjustment.

(c) A tenant of a housing accommodation who after receipt of no less than five (5) days written notice that the landlord desires an inspection of the tenant's rental unit for the purpose of determining whether the housing accommodation is in substantial compliance with the Housing Regulations, refuses without good cause to admit or cause to be admitted an employee of the Department of Housing and Community Development for the purpose of inspecting the tenant's rental unit, or who refuses without good cause to admit or to cause to be admitted the landlord or the landlord's employee or contractor

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for the purpose of abating any violation of the Housing Regulations cited by the Department of Housing and Community Development, shall waive the right to challenge the validity of the proposed adjustment for reasons that the rental unit occupied by such tenant is not in substantial compliance with the Housing Regulations.

(d) Nothing in this section shall be construed to limit or abrogate a tenant's right to initiate any lawful action to correct any violation in the tenant's rental unit or in the housing accommodation in which that rental unit is located.

(e) Notwithstanding any other provision of this act, no rent shall be adjusted under this act for any rental unit with respect to which there is a valid written lease or rental agreement establishing the rent for such rental unit for the term of such written lease or rental agreement.

(f) Any notice of an adjustment pursuant to section 207 shall contain the registration number required by section 206(d), a statement of the current rent, the increased rent, and the utilities covered by the rent which justify the

adjustment or other justification for the rent increase. The notice shall also include a summary of tenant rights under this act and a list of sources of technical assistance as published in the D.C. Register by the Mayor.

(q) No adjustments in rent under this act may be implemented unless and until a full one hundred eighty (180) days have elapsed since any prior adjustment.

Sec. 210. Rent Ceiling Upon Termination of Exemption and For Newly-Covered Rental Units.

D.C.Code, sec. 45-1620

(a) Except as provided in subsection (c), the rent ceiling for any rental unit in a housing accommodation exempted by section 205 (except subsection (a)(2)) upon the expiration or termination of such exemption shall be the average rent charged during the last six (6) consecutive months of the exemption, increased by no more than five percent (5%) of the average rent charged during the last six (6) consecutive months of the exemption. The increase may be effected only in accordance with the procedures specified in sections 209(q) and 905.

(b) A structure or building, including the land appurtenant thereto, which is located in the District of Columbia in which one (1) or more rental units as defined in section 103(26) is established after the effective date of this act, shall be thereafter defined as a "housing accommodation" for the purposes of this act. If any rental unit in such a housing accommodation is not otherwise exempted by one (1) of the provisions of section 206, the rent ceiling for the initial leasing period or the first year of tenancy, whichever is shorter, shall be determined by the landlord and is deemed to be the equivalent of making the computations specified in section 207(a).

(c) The rent ceilings for any rental unit exempted under section 206(a)(5) upon the expiration or termination of the exemption shall be the rent ceiling on the date the unit became exempt plus each subsequent adjustment of general applicability authorized under section 207(b).

Sec. 211. Petitions for Capital Improvements.

D.C.Code, sec. 45-1621

(a) On petition by the landlord, the Rent Administrator may approve a rent adjustment to

cover the cost of capital improvements to a rental unit or housing accommodation:

PROVIDED, That:

(1) The improvement would protect or enhance the health, safety, and security of the tenants or the habitability of the housing accommodation; or

(2) The improvement will affect a net saving in the use of energy by the housing accommodation or is intended to comply with applicable environmental protection regulations: PROVIDED, That any savings in energy costs are passed on to the tenants.

(b) The landlord shall establish to the satisfaction of the Rent Administrator:

(1) That such improvement would be deemed depreciable under the Internal Revenue Code, (26 U.S.C.);

(2) The amount of the cost of such improvement exclusive of interest and service charges; and

(3) That required governmental permits and approvals have been secured.

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(c) Any decision of the Rent Administrator pursuant to this section shall determine the adjustment of the rent ceiling:

(1) In the case of a building-wide major capital improvement, by dividing the cost over a seventy-two (72) month period of amortization and by dividing the result by the number of rental units in the housing accommodation: PROVIDED, That no increase under this subsection may exceed twenty percent (20%) above the current rent ceiling.

(2) In the case of limited improvements to one (1) or more rental units in a housing accommodation, by dividing the cost over a forty-eight (48) month period of amortization and by dividing this result by the number of rental units receiving the improvement: PROVIDED, That no increase under this subsection may exceed fifteen percent (15%) above the current rent ceiling. The Rent Administrator shall make a determination that the interests of the affected tenants are being protected.

(d) Plans, contracts, specifications, and permits relating to such capital improvements

shall be retained for one (1) year by the landlord or his or her designated agent for such inspection by affected tenants as such tenants may request at the landlord's place of business in the District of Columbia during working hours. If the landlord does not have a place of business in the District of Columbia, the plans, contracts, specifications, and permits relating to the capital improvements shall be made available upon request by the affected tenants at the Rental Accommodations Office.

(e) A decision by the Rent Administrator on a rent adjustment pursuant to this section shall be rendered within sixty (60) days after receipt of a complete Petition for Capital Improvement.

(f) Any tenant displaced from a rental unit by the capital improvement of the unit or the housing accommodation under this section shall have a right to re-rent the rental unit immediately upon the completion of the work.

(g) The landlord may make capital improvements to the property prior to the approval of the rent adjustment by the Rent Administrator for such capital improvements where such capital

improvements are immediately necessary to maintain the health or safety of the tenants.

(h) A landlord may adjust the rent ceiling for any rental unit to provide for the cost of any capital improvements which are required by provisions of any federal or local statute or regulation becoming effective on or after November 1, 1980, amortized over the useful life of such improvements, and the cost of such improvements applied on an equal basis to those rental units within the housing accommodation which benefit from such improvement, by filing with the Office a Certificate of Calculation for Mandated Capital Improvement Increase. The Certificate shall establish:

(1) That such improvement is required by the provisions of a federal or local statute or regulation becoming effective after November 1, 1980.

(2) The amount of the cost of such improvements; and

(3) That required governmental permits and approvals have been secured.

(i) The landlord may petition the Rent Administrator for approval of the rent adjustment for any capital improvements made pursuant to subsection (7), if such petition is filed with the Rent Administrator within ten (10) calendar days from the installation of such capital improvements.

Sec. 212. Services and Facilities. If the Rent Administrator determines that the related services or related facilities supplied by a landlord for a housing accommodation or for any rental unit therein are substantially increased or decreased, the Rent Administrator may increase or decrease the rent ceiling, as applicable, so as to proportionally reflect the value of the change in services or facilities.

D.C.Code, sec. 45-1622

Sec. 213. Hardship Petition.

D.C.Code, sec. 45-1623

(a) Where an election has been made pursuant to section 207(c) to seek a rent adjustment through a hardship petition, the Rent Administrator shall, after review of the figures and computations set forth in the landlord's petition, allow such additional increases in rent as would generate no more than a ten percent (10%)

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rate of return computed according to subsection (b).

(d) In determining the rate of return for each housing accommodation, the following formula, computed over a base period of the consecutive twelve (12) months within fifteen (15) months preceding the filing of a petition under this act, shall be used to:

(1) obtain the net income by subtracting from the sum of maximum possible rental income which can be derived from a housing accommodation and the maximum amount of all other income which can be derived from the housing accommodation the following:

(A) the operating expenses: PROVIDED, That the following items shall not be allowed as operating expenses: (1) membership fees in organizations established to influence legislation and regulations; (2) contributions to lobbying efforts; (3) contributions for legal fees in the prosecution of class action cases; (4) political contributions to candidates for office; (5) mortgage principal payments; (6) maintenance expenses for which the landlord has been

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reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method; (7) attorney's fees charged for services connected with counseling or litigation related to actions brought by the District of Columbia government due to the landlord's repeated failure to comply with applicable Housing Regulations as evidenced by violation notices issued by the Department of Housing and Community Development; and (8) any expenses for which the tenant has lawfully paid directly;

(5) the management fee, where applicable, of no more than six percent (6%) of the maximum rental income of the housing accommodation unless an additional amount is approved by the Rent Administrator as follows:

(1) the landlord shall first file with the Rent Administrator a petition which shall contain such information as the Rent Administrator may require, including, but not limited to, the name of the payee;

(2) if the Rent Administrator determines based on the petition and such other information

as the Rent Administrator may require that the excess over six percent (6%) of maximum possible income or part thereof is reasonable, the Rent Administrator may permit the same excess or so much of the excess as is reasonable;

(C) property taxes;

(D) depreciation expenses to the extent reflected in decreased real property tax assessments;

(E) vacancy losses for the housing accommodation of no more than six percent (6%) of the maximum rental housing income of the housing accommodation unless an additional amount is approved by the Rent Administrator;

(F) uncollected rents; and

(G) interest payments.

(2) Then, divide the net income by the landlord's equity in the housing accommodation to determine the rate of return.

(c) The Rent Administrator shall accord an expedited review process for a petition filed under this section and shall issue and publish a final decision within ninety (90) days after the petition has been filed. If the Rent

Administrator or his or her designee does not render a final decision within ninety (90) days from the date the petition is filed and the landlord is not in default in complying with any information request made under section 214(c), the rent ceiling adjustment requested in the petition may be conditionally implemented by the landlord. Such conditional rent ceiling adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator or his or her designee on the petition: PROVIDED, HOWEVER, That if a hearing has been held on the petition, and the Rent Administrator or his or her designee by order served upon the parties at least ten (10) days prior to the expiration of such ninety (90) days, makes a provisional finding as to the rent ceiling adjustment justified by the petition; the landlord may implement only the amount of the rent ceiling adjustment authorized by the order. Except to the extent modified by this subsection, the provisions of section 217 shall apply to any adjustment under this section.

Sec. 214. Vacant Accommodation.

D.C.Code, sec. 45-1624

when a tenant vacates a rental unit on his or her own initiative or as a result of a notice to vacate for any of the following causes: (1) nonpayment of rent; (2) violation of an obligation of his or her tenancy; or (3) use of the rental unit for an illegal purpose or purposes as determined by a court of competent jurisdiction; then, the rent ceiling may, at the election of the landlord, be adjusted to either (A) the rent ceiling which would otherwise be applicable to such rental unit under this act plus ten percent (10%) thereof once per twelve (12) month period, or (B) the rent ceiling of a substantially identical rental unit in the same housing accommodation: PROVIDED, That no increase under this section shall be permitted unless the housing accommodation has been registered under section 205(b).

(b) For the purposes of this section, rental units shall be defined to be "substantially identical" where they contain essentially the same square footage, essentially the same floor plan, comparable amenities and equipment, comparable locations with respect to exposure and height (if

exposure and height have previously been factors in the amount of rent charged), and are in comparable physical condition.

Sec. 215. Substantial Rehabilitation.

D.C.Code, sec. 45-1625

(a) If the Rent Administrator determines that: (1) a rental unit is to be substantially rehabilitated; and (2) such rehabilitation is in the interest of the tenants of such unit and the housing accommodation in which the unit is located; then the Rent Administrator may approve, contingent upon completion of such substantial rehabilitation, an increase in the rent ceiling for such rental unit: PROVIDED, That such rent increase is no greater than the equivalent of one hundred twenty-five percent (125%) of the rent ceiling applicable to such rental unit prior to substantial rehabilitation.

(b) In determining whether a housing unit is to be substantially rehabilitated, the Rent Administrator shall examine the plans, specifications, and projected costs for such rehabilitation, which shall be made available to the administrator by the landlord of the rental unit or housing accommodation to be rehabilitated.

(c) In determining whether substantial rehabilitation of a housing accommodation is in keeping with the interest of the tenants, the Rent Administrator shall consider, among other relevant factors: (1) the impact of such rehabilitation on the tenants of the unit or housing accommodation; and (2) the existing condition of the rental unit or housing accommodation and the degree to which any violations of the Housing Regulations in such rental unit or housing accommodation constitute an impairment of the health, welfare, and safety of the tenants.

(d) This section shall apply to the following: (1) any rental unit with respect to which a landlord has notified the tenant, after effective date of this act, of an intent to substantially rehabilitate; (2) any rental unit with respect to which, prior to the effective date of this act: (A) the landlord has notified the tenant of the intended substantial rehabilitation; and (B) all the tenants have left.

Sec. 216. Voluntary Agreement.

D.C.Code, sec. 45-1626

If seventy percent (70%) of the tenants of a housing accommodation sign an agreement filed with

the Rent Administrator to have the rent ceiling for all rental units in the housing accommodation adjusted by a specified percentage, the Rent Administrator shall immediately certify approval of the increase. The agreement shall include the signature of each tenant, the number of each tenant's rental unit or apartment, the specific amount of increased rent each tenant will pay and a statement that the agreement with the landlord was entered into voluntarily without any form of coercion on the part of the landlord of the housing accommodation.

Sec. 217. Adjustment Procedure.

D.C.Code, sec. 45-1627

(a) The Rent Administrator or his or her designee shall consider adjustments allowed by sections 211, 212, 213, and 215, or a challenge to a section 207 adjustment, upon a petition filed by the landlord or tenant. Such petition shall be filed with the Rent Administrator on a form provided by the Rent Administrator containing such information as the Rent Administrator or the Rental Housing Commission may require. The Rent Administrator or his or her designee shall issue a decision and an order approving or denying, in

whole or in part, each petition within one hundred twenty (120) days after such petition is filed with the Rent Administrator. Such time may be extended only by written agreement between the landlord and tenant of such rental unit.

(b) Upon receipt of such petition, the Rent Administrator or his or her designee shall notify the non-petitioning party (landlord or tenant) by certified mail or any other form of service which assures delivery of such petition and of the right of either party to make, within fifteen (15) days after the receipt of such notice, a written request for a hearing on the petition. If a hearing is timely requested by either party, notice of the time and place of the hearing shall be furnished the parties by certified mail or any other form of service which assures delivery at least fifteen (15) days before the commencement of such hearing. Such notice shall inform each of the parties of his or her right to retain legal counsel to represent him or her at the hearing.

(c) Each landlord of any rental unit with respect to which a petition is filed or initiated under this section shall submit to the Rent

Administrator or his or her designee, within fifteen (15) days after demand therefor is made, an information statement, on a form approved by the Rent Administrator, containing the information the Rent Administrator or the Rental Housing Commission may require.

(d) The Rent Administrator or his or her designee may consolidate petitions and hearings relating to rental units in the same housing accommodation.

(e) The Rent Administrator or his or her designee may, without holding a hearing, refuse to adjust the rent ceiling for any rental unit, and may dismiss any petition for adjustment, if a final decision has been made on a petition filed under this section, the Rental Accommodations Act of 1975, or the Rental Housing Act of 1977 for adjustment as to the same rental units within the six (6) months immediately preceding the filing of the pending petition.

(f) All petitions filed under this section, all hearings held relating thereto, and all appeals taken from decisions of the Rent Administrator or his or her designee, shall be

considered and held according to the provisions of this section and title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501-1510). In the case of any direct, irreconcilable, conflict between the provisions of this section and the District of Columbia Administrative Procedure Act, the District of Columbia Administrative Procedure Act shall prevail.

(q) Decisions of the Rent Administrator or his or her designee shall be made on the record relating to any petition filed with him or her. An appeal from any decision of the Rent Administrator or his or her designee may be taken by the aggrieved party to the Rental Housing Commission within ten (10) days after the decision of the Rent Administrator or his or her designee; or the Rental Housing Commission may review a decision of the Rent Administrator or his or her designee on its own initiative. The Rental Housing Commission may reverse, in whole or in part, any decision of the Rent Administrator or the Rent Administrator's designee which it finds

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to be arbitrary, capricious, an abuse of discretion, not in accordance with the provisions of this act, or unsupported by substantial evidence in the record of the proceedings before the Rent Administrator or his or her designee; or it may affirm, in whole or in part, the Rent Administrator's or his or her designee's decision. The Rental Housing Commission shall issue a decision with respect to an appeal within thirty (30) days after such an appeal was filed.

(h) No increase in rent allowed under this act shall be implemented unless the tenant concerned has been given written notice pursuant to section 905.

(i) A copy of any decision made by the Rent Administrator or his or her designee, or by the Rental Housing Commission under this section shall be mailed by certified mail or any other form of service which assures delivery to the parties of such decision.

(j) The Rent Administrator and, where applicable, the Rental Housing Commission, shall accord priority to a landlord hardship petition covering a housing accommodation for which the

federal government is entitled to approve rent increases, where processing of such a petition has not begun within forty-five (45) days immediately following the filing of the petition. Processing of such petition(s) shall begin no later than five (5) days after receipt by the Rent Administrator of written requests from the landlord and from the federal agency.

(k) No rent increase above that authorized by the Rent Administrator may be implemented by a landlord during the pendency of an appeal by that landlord to the Commission or the District of Columbia Court of Appeals where the appeal concerns the validity of that increase.

Sec. 218. Security Deposit. No person shall demand or receive a security deposit from any tenant for a rental unit occupied by such tenant upon the effective date of this act, where no security deposit had been demanded or received of such tenant for such rental unit before the effective date of this act: EXCEPT, That this shall not prevent the collection of security deposits for newly constructed units or units exempted under section 206(a)(4). Security

D.C.Code, sec. 45-1628

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deposits shall be collected in a manner pursuant to the Security Deposit Act, effective February 20, 1976 (D.C. Law 1-48; [1976] D.C. Stat. 13).

Sec. 219. Remedy. The Rental Housing Commission, Rent Administrator, or any affected landlord or tenant may commence a civil action in the Superior Court of the District of Columbia to enforce any rule or decision issued under this act.

D.C.Code, sec. 45-1629

Sec. 220. Judicial Review. Any person or class of persons aggrieved by a decision of the Rental Housing Commission, or by any failure on the part of the Rental Housing Commission or Rent Administrator to act within any time certain mandated by this act, may seek judicial review of such decision or an order compelling such decision by filing a petition for review in the District of Columbia Court of Appeals.

D.C.Code, sec. 45-1630

TITLE III

RENTAL SUPPLEMENT PROGRAM

Sec. 301. Definitions.

For the purposes of this title, the term:

D.C.Code, sec. 45-1641

(1) "Handicapped person" means a person who has a medically determinable physical impairment (including blindness) which prohibits and incapacitates seventy-five percent (75%) of that person's ability to move about, to assist himself or herself, or to engage in an occupation;

(2) "Senior citizen" means a person sixty (60) years of age or older.

(3) "Gross income" means all items considered income for District of Columbia or federal tax purposes, and all other monies or payments received by any individual residing in the rental unit, including, but not limited to, social security benefits, unemployment benefits, workers' compensation, state benefits, alimony and child support, pensions, retirement benefits, annuities, monetary gifts in excess of three hundred dollars ($300) and such other sums as the Mayor or the Mayor's designee shall from time to time determine.

Sec. 302. Establishment of Rental Supplement Program.

D.C.Code, sec. 45-1642

(a) The Mayor may formulate and administer a rental supplement program as provided by this

title: PROVIDED, That nothing in this title shall be construed as creating an entitlement to rent supplement payments in the absence of appropriations sufficient to fund this program.

(b) In any fiscal year, the Mayor shall limit the rental supplement payments made to an amount not in excess of appropriations. If in any fiscal year the Mayor finds that the rental supplement payments will exceed appropriations, the Mayor shall transmit to the Council of the District of Columbia proposed adjustments to eligibility criteria, income guidelines, or supplement payments to reduce payments under this title to an amount not in excess of appropriations.

(c) The Mayor shall issue regulations consistent with this title for the effective and efficient administration of the rental supplement program.

Sec. 303. Eligibility. (a) The rental supplement provided by this title shall be available to any tenant of a rental unit in the District of Columbia:

D.C.Code, sec. 45-1643

(1) who is a bona fide resident of a rental unit in the District of Columbia pursuant

to regulations issued by the Mayor, or the Mayor's designee;

(2) whose current annual income (combined with the income of all other persons residing in such rental unit) totals less than the following percentages of the most recently published United States Department of Labor Lower Budget for an Urban Family of Four for the Washington, D.C. Standard Metropolitan Statistical Area (SMSA) and as may be further adjusted on an interim basis by the United States Department of Labor:

one-person household	66.7 percent
two-person household	77.8 percent
three-person household or a one-or two-person household containing any person who is a senior citizen or who is handicapped	88.9 percent
four-person household	100.0 percent
five-person household	111.1 percent
more than five-person household	122.2 percent

(3) whose rent (determined without regard for the rental assistance provided herein) and utilities (utilities for the purpose of this section shall include heating fuel, water and

sewer, general purpose electricity, and cooking fuel) (to the extent paid by such tenant) exceed thirty-five percent (35%) of the combined gross income of all persons residing in such rental unit; and

(4) whose total assets (combined with the assets of all other persons residing in such rental unit), excluding cash surrender value in any life insurance policy in an amount of twenty-five thousand dollars ($25,000) or less, personal clothing, automobile, furniture, and furnishings, do not exceed ten thousand dollars ($10,000) in value.

(b) Notwithstanding any other provision in this section, no tenant shall be eligible to receive rental supplements hereunder if any person residing in the rental unit:

(1) is receiving monetary assistance under provisions of the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Code, sec. 5-1281 et seq.); or

(2) is residing in a publicly- or privately-owned rental unit administered, operated, maintained, or subsidized, in whole or

in part, by an instrumentality or agency of the District of Columbia or federal governments: PROVIDED, HOWEVER, That a tenant who resides in a single-family rental accommodation financed under the federally insured programs of the Federal Housing Administration (Chapter 37, Title 38 U.S.C.), shall not by reason of such residence be deemed ineligible under this title.

(c) Tenants receiving rental supplements under this title shall also be eligible to receive a tax credit under the provisions of section 8 of the District of Columbia Income and Franchise Tax Act of 1947, approved July 16, 1947 (61 Stat. 343; D.C. Code, sec. 47-1567g): PROVIDED, HOWEVER, That such tenants are otherwise eligible under the provisions of that act to receive such tax credit.

(d) Notwithstanding any other provision of this act, no tenant shall be initially eligible to receive rental supplements hereunder if the rent being paid exceeds the following amounts:

Number of Non-Elderly or Non-Handicapped Persons Residing in Unit.	Rent Being Paid Per Month
1	$241
2	$281
3	$321
4	$361
5	$401
6	$441

For Senior Citizens or Handicapped, Number of Persons Residing in Unit	
1	$321
2	$321
3	$321
4-6	same as non-elderly table above.

No person shall be deemed ineligible to continue to receive rental supplements under this title because a rent adjustment authorized pursuant to this act after the time the initial rent supplement was granted causes the rent paid per month to exceed the maximum allowable amount as

set in this subsection. In computing the amount of the rent supplement, that part of the rent which exceeds the maximum amount allowable under this subsection shall not be considered in the computation of the rental supplement. These limits shall be revised annually by the Mayor to reflect the average annual increase in rental housing costs in the District of Columbia.

Sec. 304. Rental Supplement Grants. (a) The Mayor may make rental supplement grants available on a yearly basis to eligible renters in accordance with the provisions of this title. The amount of such yearly rental supplement grant shall be determined by subtracting thirty-five percent (35%) of the combined gross income of all persons residing in such rental unit from the yearly rent due on that unit: PROVIDED, HOWEVER, That in no case shall such grant exceed forty percent (40%) of the gross annual rent.

D.C.Code, sec. 45-1644

(b) On or before the twentieth (20th) day of each month preceding the month in which rent on the rental unit is due, the Mayor shall forward one-twelfth (1/12) of such rental supplement grant directly to the eligible renter at the address of

the unit indicated on the renter's application form.

(c) Each rental supplement payment shall be in the form of a check drawn against the depositories of the District of Columbia and shall be payable jointly to the applicant and (as indicated on the application form) the landlord or designee entitled to receive rental payments for the applicant's unit.

(d) Each rental supplement payment check shall be drawn in such a manner as to become void forty-five (45) days after its issuance.

Sec. 305. Administration.

D.C.Code, sec. 45-1645

(a) Application for a rental supplement grant shall be submitted to the Mayor and shall be on a form as designated by the Mayor. Such form shall conform insofar as possible to forms used by the federal government for its rental assistance programs. The applicant shall execute such form under oath or affirmation as to the truth of the matters contained therein. Additional verification procedures may be required as are necessary to ensure that the information contained in such forms is accurate, including, but not

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limited to, certified copies of tax returns of all those residing in the unit, statements of net worth of all those residing in the unit, copies of leases, rent receipts, or cancelled checks, and verification of benefits from the Social Security Administration.

(b) The Mayor shall review the application and determine, in a timely fashion, the eligibility of the applicant. The applicant shall be notified in writing of approval or disapproval of the application stating the reasons for any findings of ineligibility.

(c) Action on all applications filed under this title, any hearings held relating thereto, and all appeals taken from decisions of the Mayor shall be considered and held according to the rules and regulations established under this title and title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501-1510). In the case of any direct and irreconcilable conflict between such rules and the District of Columbia Administrative Procedure Act, the

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provisions of the District of Columbia Administrative Procedure Act shall prevail.

(d) To the extent practical, all information provided by an applicant shall be confidential and shall not be disclosed in such a form as to identify the rent subsidy grant applicant.

Sec. 306. Continued Eligibility. (a) Sixty (60) days prior to the expiration of any rental supplement authorized under section 304, the Mayor shall notify, in writing, the tenant receiving a rental supplement grant that the rental supplement grant is about to expire and that the tenant, if eligible and desiring to continue to receive rental supplement, must reapply within thirty (30) days upon receipt of such notice. The tenant shall reapply by executing under oath or affirmation a statement of continued eligibility on a form approved by the Mayor and submitting the same to the Mayor. Except as otherwise provided in this section, the provisions of section 305 shall apply to the processing of statements of continued eligibility under this section. Unless the Mayor determines that such person is not eligible for a rental supplement

D.C.Code, sec. 45-1646

grant, such assistance shall continue for the succeeding twelve (12) months: PROVIDED, That the tenant continues to be eligible.

Sec. 307. Termination of Eligibility. (a) If at any time a tenant receiving rental supplements hereunder fails to satisfy the requirements of section 303 relating to conditions of eligibility, he or she shall immediately notify, in writing, the Mayor of such ineligibility. Rental supplement shall terminate on the next day thereafter upon which rent is due.

D.C.Code, sec. 45-1647

(b) If, at any time, the Mayor determines that a tenant receiving rental supplements is not, or has ceased to be, eligible therefor, the Mayor shall notify the tenant and landlord in writing, setting forth the reasons for such determination. Rental supplement payments shall terminate on the next day the rent is due occurring at least thirty (30) days after the date such notice is given, unless, within fifteen (15) days after the receipt of such notice, the tenant submits to the Mayor a written statement, under oath or affirmation, and including any available supporting documents, asserting the tenant's reasons for alleging

continued eligibility. Within thirty (30) days following the receipt of such statement and documents, the Mayor shall make the final determination of such tenant's eligibility for continued receipt of rental supplements.

Sec. 308. Tax Exemption. All monies received by any tenant through rental supplement grants under this act are hereby exempt from income taxes payable pursuant to the District of Columbia Income and Franchise Act of 1947, approved July 16, 1947 (61 Stat. 328; D.C. Code, sec. 47-1501 et seq.).

D.C.Code, sec. 45-1648

TITLE IV

REVENUE

Sec. 401. Annual Rental Unit Fee. Each landlord required to register under this act shall pay a fee of six dollars ($6.00) for each rental unit in a housing accommodation registered by the landlord. The fee shall be paid annually to the District of Columbia government at the time the landlord applies for his or her business license or a renewal thereof; or in the case of a housing accommodation for which no such license is

D.C.Code, sec. 45-1651

required, at such time and in such manner as the Commission may determine. Such fees shall be deposited in a timely manner in such depository or depositories designated by the District of Columbia government for such purposes.

TITLE V

EVICTIONS AND RETALIATORY ACTION

Sec. 501. Evictions

D.C.Code, sec. 45-1561

(a) Except as provided in this section, no tenant shall be evicted from a rental unit, notwithstanding the expiration of his or her lease or rental agreement, so long as he or she continues to pay the rent to which the landlord is entitled for such rental unit. No tenant shall be evicted from a rental unit for any reason other than for nonpayment of rent unless he or she has been served with a written notice to vacate which meets the requirements of this section. Notices to vacate for all reasons other than for nonpayment of rent shall be served upon both the tenant and the Rent Administrator. All notices to vacate shall contain a statement detailing the reason(s) for the eviction, and if the housing

accommodation is required to be registered by this act, a statement that the housing accommodation is registered with the Rent Administrator and the registration number of the housing accommodation.

(b) A landlord may recover possession of a rental unit where the tenant is violating an obligation of his or her tenancy and fails to correct such violation within thirty (30) days after receiving from the landlord a notice to correct such violation or vacate.

(c) A landlord may recover possession of a rental unit where a court of competent jurisdiction has determined that the tenant has performed an illegal act within such rental unit or housing accommodation. The landlord shall serve on the tenant a thirty (30) day notice to vacate.

(d) A natural person with a freehold interest in the rental unit may recover possession of a rental unit where he or she seeks in good faith to recover possession of such rental unit for his or her immediate and personal use and occupancy as a dwelling. The landlord shall serve on the tenant a ninety (90) day notice to vacate in advance of

his or her action to recover possession of the rental unit in instances arising under this subsection. No landlord shall demand or receive rent for any rental unit which he or she has repossessed under this subsection during the twelve (12) month period beginning on the date he or she recovered possession of such rental unit. A stockholder of a cooperative housing association with a right of possession in a rental unit may exercise the rights of a natural person with a freehold interest under this subsection.

(e) A landlord may recover possession of a rental unit where he or she has in good faith contracted in writing to sell the rental unit or the housing accommodation in which such unit is located for the immediate and personal use and occupancy by another person, so long as at the time the owner offers the rental unit or housing accommodation for sale, the landlord has so notified the tenant in writing and extended to the tenant an opportunity to purchase as provided in the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1699.101 et seq.). The

landlord shall serve on the tenant a ninety (90) day notice to vacate in advance of his or her action to recover possession of the rental unit. No person shall demand or receive rent for any rental unit which has been repossessed under this subsection during the twelve (12) month period beginning on the date on which the rental unit was originally repossessed by the landlord.

(f)(1) A landlord may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as the plans for such alterations or renovations have been previously filed with and approved by the Rent Administrator and such plans demonstrate that the proposed alterations or renovations cannot safely or reasonably be accomplished while the unit is occupied. The landlord shall serve on the tenant a one hundred twenty (120) day notice to vacate in advance of his or her action to recover possession of the rental unit. Such notice to vacate shall comply with and notify the tenant of

his or her right to relocation assistance pursuant to the provisions of title VII.

(2) Immediately upon completion of the proposed alterations or renovations, such tenant shall have the absolute right to re-rent the rental unit.

(3) Where the renovations or alterations are necessary to bring the rental unit into substantial compliance with the Housing Regulations, such tenant may re-rent at the same rent and under the same obligations as were in effect at the time the tenant was dispossessed: PROVIDED, That such renovations or alterations were not made necessary by the negligent or malicious conduct of such tenant.

(4) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII: PROVIDED, That the tenants meet the eligibility criteria of that title.

(g)(1) A landlord may recover possession of a rental unit for the purpose of immediately demolishing the housing accommodation in which such rental unit is located and replacing it with

Enrolled Origin

new construction: PROVIDED, That a copy of the Building Permit for such new construction has been filed with the Rent Administrator, and: PROVIDED, FURTHER, That the requirements of title VII have been complied with. The landlord shall serve on the tenant a one hundred eighty (180) day notice to vacate in advance of his or her action to recover possession of the rental unit. Such notices to vacate shall comply with and notify the tenant of his or her right to relocation assistance pursuant to the provisions of title VII.

(2) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII: PROVIDED, That the tenants meet the eligibility criteria of that title.

(h)(1) A landlord may recover possession of a rental unit for the purpose of immediate, substantial rehabilitation of the housing accommodation: PROVIDED, That the requirements of section 215 and title VII have been complied with. The landlord shall serve on the tenant a one hundred twenty (120) day notice to vacate in

advance of his or her action to recover possession of the rental unit. Such notice to vacate shall comply with and notify tenant of his or her right to relocation assistance pursuant to title VII.

(2) Any tenant displaced from a rental unit by the substantial rehabilitation of the housing accommodation in which the rental unit is located shall have a right to re-rent the rental unit immediately upon the completion of the substantial rehabilitation.

(3) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII: PROVIDED, That the tenants meet the eligibility criteria of that title.

(i)(1) A landlord may recover possession of a rental unit for the immediate purpose of discontinuing the housing use and occupancy of such rental unit: PROVIDED, That:

(A) the landlord shall serve on the tenant a one hundred eighty (180) day notice to vacate in advance of his or her action to recover possession of the rental unit. Such notice to vacate shall comply with and notify the tenant of

his or her right to relocation assistance pursuant to the provisions of title VII;

(B) the landlord shall not cause the housing accommodation, of which the unit is a part, to be substantially rehabilitated for a continuous twelve (12) month period beginning from the date that such use is discontinued pursuant to this section;

(C) the landlord shall not resume any housing or commercial use of the unit for a continuous twelve (12) month period beginning from the date that such use is discontinued pursuant to this section;

(D) the landlord shall not resume any housing use of the unit other than rental housing;

(E) upon resumption of the housing use, the landlord shall not re-rent the unit at a greater rent than would have been permitted pursuant to this act had the housing use not been discontinued;

(F) the landlord shall, on a form devised by the Rent Administrator, file with the Rent Administrator a statement including, but not

[illegible]

limited to, general information about the housing accommodation (such as address and number of units), the reason for the discontinuance of use and future plans for the property;

(G) if the landlord desires to resume a rental housing use of the unit, he or she shall notify the Rent Administrator, who shall determine whether the provisions of this paragraph have been satisfied; and

(H) the landlord shall not demand or receive rent for any rental unit which he or she has repossessed under this subsection for a twelve (12) month period beginning on the date he or she recovered possession of such rental unit.

(2) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII: PROVIDED, That the tenants meet the eligibility criteria of that title.

(i) In any case where the landlord seeks to recover possession of a rental unit or housing accommodation to convert such rental unit or housing accommodation to a condominium or cooperative, notice to vacate shall be given

according to section 206(c) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1699.206(c)).

Sec. 502. Retaliatory Action. (a) No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him or her by this act, by any rule or order issued pursuant thereto, or by any other provisions of law. Retaliatory action may include any action or proceeding not otherwise permitted by law which seeks to recover possession of a rental unit; action which would increase rent, decrease services, increase the obligation of a tenant, or constitute undue or unavoidable inconvenience, violate the privacy of the tenant, harass, reduce the quality or quantity of service, any refusal to honor a lease or rental agreement or any provision of a lease or rental agreement, refusal to renew a lease or rental agreement, termination of a tenancy without cause, or any other form of threat or coercion.

D.C.Code, sec. 45-1662

(b) In determining whether an action taken by a landlord against a tenant is retaliatory action,

the trier of fact shall presume retaliatory action has been taken, and shall enter judgment in the tenant's favor unless the landlord comes forward with clear and convincing evidence to rebut this presumption: PROVIDED, That within the six (6) months preceding such landlord's action, the tenant:

(1) has made a witnessed oral or written request to the landlord to make repairs which are necessary to bring the housing accommodation or the rental unit into compliance with the Housing Regulations;

(2) contacted appropriate officials of the District of Columbia government, either orally in the presence of a witness or in writing, concerning existing violations of the Housing Regulations in the rental unit he or she occupies or pertaining to the housing accommodation in which such rental unit is located, or reported to such officials suspected violations which, if confirmed, would render such rental unit or housing accommodation in noncompliance with the Housing Regulations;

...Origi.

(3) legally withheld all or part of his or her rent, after having given a reasonable notice to the landlord, either orally in the presence of a witness or in writing, of a violation of the Housing Regulations;

(4) organized, been a member of, or been involved in any lawful activities pertaining to a tenant organization;

(5) made an effort to secure or enforce any of such tenant's rights under the tenant's lease or contract with the landlord; or

(6) brought legal action against the landlord.

Sec. 503. Conciliation Service.

D.C.Code, sec. 45-1663

(a) There is established a conciliation service within the Office.

(b) The service shall provide a voluntary, non-adversarial forum for the resolution of disputes arising between landlords and tenants in the District of Columbia.

(c) The staff of the service shall be appointed by the Rant Administrator and be persons familiar with the problems of the law relating to

landlord and tenant relations and knowledgeable of conciliation practices.

(d) Either a landlord or a tenant may initiate a proceeding before the service.

(e) No person shall be compelled to attend a session of the service nor participate in any proceeding before the staff of the service. The results of any proceeding shall not be binding upon any party, except to the extent that such persons party to such proceeding agree to be bound by the outcome of such proceeding. No evidence pertaining to the conciliation proceeding shall be admissible in any judicial proceeding under other provisions of law relating to landlord and tenant disputes.

TITLE VI--CONVERSION AND DEMOLITION OF RENTAL HOUSING

Sec. 601. Conversion of a Housing Accommodation.

D.C.Code, sec. 45-1671

Notwithstanding any other provision of law, no person shall convert and the Mayor shall not permit the conversion of any housing accommodation or rental unit to a hotel, motel, inn, or other transient residential occupancy.

Sec. 602. Demolition of a housing accommodation.

D.C.Code, sec. 45-1672

(a) Notwithstanding any other provision of law, no person shall demolish and the Mayor shall not permit the demolition of any housing accommodation or rental unit for the purpose of constructing or expanding a hotel, motel, inn, or other transient residential occupancy or any other nonresidential use unless more than one-half (1/2) of the income from the housing accommodation was generated from nonresidential purposes as of the effective date of this act or unless engineering studies certify that the walls and foundation are structurally unsound and unsafe.

(b) No person shall construct or expand and the Mayor shall not permit the construction or expansion of a hotel, motel, inn, or other transient residential occupancy or any other nonresidential use on the site of a housing accommodation or rental unit demolished after the effective date of this act unless more than one-half (1/2) of the income from the housing accommodation was generated from nonresidential purposes as of the effective date of this act or

unless engineering studies certified that the walls and foundation were structurally unsound and unsafe.

TITLE VII

RELOCATION ASSISTANCE FOR TENANTS DISPLACED BY SUBSTANTIAL REHABILITATION, DEMOLITION, OR HOUSING DISCONTINUANCE

Sec. 701. Notice of Right to Relocation Assistance.

D.C.Code, sec. 45-1681

No landlord shall substantially rehabilitate, demolish, or discontinue any housing accommodation unless there has first been served upon each tenant residing therein a written notice of intent to rehabilitate, demolish, or discontinue the housing accommodation, in accordance with section 501 (g), (h), or (i) as appropriate. Such notice shall advise the tenants of their right to relocation assistance under this act or any other District of Columbia law, and the procedures for applying for such assistance. The Rental Housing Commission shall prescribe the content of such notice. No tenant may be evicted from a housing accommodation which the landlord intends to substantially rehabilitate, demolish, or

discontinue housing use (or which the landlord intends to sell to another person who, to the landlord's knowledge, intends to substantially rehabilitate, demolish, or discontinue housing use), unless this section has been complied with. Nothing contained in this section shall be construed to limit a landlord's right to evict a tenant for non-payment of rent or violation of an obligation of the tenancy: PROVIDED, That such action to evict is in compliance with section 501.

Sec. 702. Eligibility Requirements for Relocation Assistance.

D.C.Code, sec. 45-1682

Each landlord commencing substantial rehabilitation, demolition, or housing discontinuance on or after the effective date of this act, shall pay relocation assistance in an amount calculated pursuant to section 703, to all tenants of such housing accommodation who:

(a) were living in the rental units contained therein from which they are being displaced at the time the notice required by section 501 is given; and

(b) are displaced from rental units because such housing accommodation in which they are

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located is to be substantially rehabilitated, demolished, or discontinued.

Sec. 703. Relocation Assistance Payments.

(a) The amount of relocation assistance payable to a displaced tenant shall be calculated as follows:

D.C.Code, sec. 45-1683

(1) Except as provided in paragraph (2), relocation assistance in the amount of one hundred fifty dollars ($150) for each room in the rental unit shall be payable to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purposes of this paragraph, the term "room" in a rental unit means any space sixty (60) square feet or larger which has a fixed ceiling and a floor and is subdivided with fixed partitions on all sides, but does not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

(2) Relocation assistance in the amount of seventy-five dollars ($75) for each pantry, kitchen, storage area, and utility room that exceeds sixty (60) square feet in area shall be

payable to the tenants or subtenants bearing the cost of removing the majority of the furnishing.

(3) The Mayor shall adjust the amount to be paid tenants for relocation assistance from time to time in order to reflect changes in the cost of moving within the Washington, D.C., Standard Metropolitan Statistical Area (SMSA). Such adjustments shall be made pursuant to title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501-1510), not more than once in any calendar year.

(b) Relocation assistance shall be paid to eligible tenants, not later than twenty-four (24) hours prior to the date the rental unit is to be vacated by the tenant(s) or subtenant(s): PROVIDED, That the landlord has received at least ten (10) days (excluding Saturdays, Sundays, and holidays) advance written notice of the date upon which the unit is to be vacated. Where the tenant does not provide the landlord with at least a ten (10) day notice, the relocation assistance shall be paid within thirty (30) days after the unit is vacated.

(c) Payment of relocation assistance shall not be required with respect to any rental unit which is the subject of an outstanding judgment for possession obtained by the landlord or landlord's predecessor in interest against the tenants or subtenants for a cause of action whether such cause of action arises before or after the service of the notice of intention to rehabilitate, demolish, or discontinue housing use. If the judgment for possession is based upon nonpayment of rent and arises after the notice of intent to rehabilitate, demolish, or discontinue housing use has been given, then relocation assistance shall be required in an amount reduced by the amount determined to be due and owing to the landlord by the court rendering the judgment for possession.

Sec. 704. <u>Relocation Advisory Services.</u> Whenever a building in the District of Columbia is converted from rental to condominium units, or is substantially rehabilitated or demolished, or is discontinued from housing use, the Relocation Assistance Office shall provide relocation advisory services for tenants who move from the

D.C.Code, sec. 45-1684

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converted, substantially rehabilitated, demolished, or discontinued building. This includes: (1) ascertaining the relocation needs for each household; (2) providing current information on the availability of equivalent substitute housing; (3) supplying information concerning Federal and District housing programs; and (4) providing other advisory services to displaced persons in order to minimize hardships in adjusting to relocation.

Sec. 705. Tenant Hot Line. Within thirty (30) days from the effective date of this act, the Rental Housing Commission shall establish a "Tenant Hot Line". The primary purpose of the Tenant Hot Line is to provide assistance to low- and moderate-income tenants. To carry out this purpose, the functions and responsibilities shall include, but not be limited to, the following:

D.C.Code, sec. 45-1685

(a) answering rent control procedural questions, and directing tenants toward possible courses of action in resolving problems;

(b) providing advice on Housing Regulations violations;

(c) explaining rent increases;

(d) providing guidance on emergency shelter;

(e) providing guidance on housing assistance programs;

(f) providing guidance in resolution of water, heating, repairs, and other problems;

(g) providing advice on possible action in response to allegations of harassment or neglect by landlords;

(h) answering preliminary questions about remedies through the courts;

(i) providing guidance when tenants are faced with eviction; and

(j) providing guidance on other tenant problems.

TITLE VIII

AMENDMENTS TO RELATED ACTS

Sec. 801. <u>Amendments to the Rental Housing Conversion and Sale Act of 1980.</u>

The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1699.101 <u>et seq.</u>) is amended as follows:

(a) Section 103(13) (D.C. Code, sec. 45-1699.103(13)) is amended to read as follows:

D.C.Code, sec. 45-1699...

"(18) 'Tenant organization' means an organization that represents at least a majority of the heads of household in the housing accommodation excluding those households in which no member has resided in the housing accommodation for at least ninety (90) days and those households in which any member has been an employee of the owner during the preceding one hundred twenty (120) days.".

(b) Section 202(a) (D.C. Code, sec. 45-1699.201(a)) is amended by adding at the end of the second paragraph the following sentence to read as follows: "An owner who has issued a notice to vacate for the immediate purpose of discontinuing the housing use and occupancy of a rental unit pursuant to section 501(i)(1)(A) of the Rental Housing Act of 1980, or a purchaser from such owner or successor in interest to such owner, may not request a tenant election to convert the housing accommodation in which the rental units are located.".

D.C.Code, sec. 45-1699.201

(c) Section 203(d) (D.C. Code, sec. 45-1699.202(d)) is amended to read as follows: "Qualified Voter. A head of household residing in each rental unit of the housing accommodation is

D.C.Code, sec. 45-1699.202

qualified to vote unless no member of the household has resided in the accommodation for at least ninety (90) days before the election, or unless a member of the household is or has been an employee of the owner within one hundred twenty (120) days prior to the date of application for eligibility, or unless he or she is a head of household whose continued right to remain a tenant is required by this act. The Mayor shall determine the eligibility of voters prior to the election and shall devise such forms and procedures as may be necessary to verify eligibility under this subsection.".

(d) Section 203(a) (D.C. Code, sec. 45-1699.206(a)) is amended in the first sentence by inserting immediately following the phrase "an owner" the phrase "of a rental unit in a housing accommodation converted under the provisions of this act".

D.C.Code, sec. 45-1699.206

(e) Section 412 (D.C. Code, sec. 45-1699.411) is amended in the third sentence by striking the word "executed" and inserting the word "ratified" in lieu thereof.

D.C.Code, sec. 45-1699.411

Sec. 802. Amendment to the Confirmation Act of 1978. Section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Code, sec. 1-362.7) is amended by inserting immediately following the word "Review," the phrase "the Rent Administrator,".

D.C.Code, sec. 1-362.7

TITLE IX

MISCELLANEOUS

PENALTIES; SEVERABILITY; SUPERSEDURE; SERVICE; EFFECTIVE DATE; TERMINATION

Sec. 901. Penalties.

(a) Any person who knowingly:

(1) demands or receives any rent for a rental unit in excess of the maximum allowable rent applicable to that rental unit under the provisions of title II; or

D.C.Code, sec. 45-1691

(2) substantially reduces or eliminates related services previously provided for a rental unit shall be held liable by the Rent Administrator, or Rental Housing Commission, as applicable, for the amount by which the rent exceeds the applicable rent ceiling or for treble that amount and/or for a roll back of the rent to

such amount as the Rent Administrator or Rental Housing Commission shall determine.

(b)(1) Any person who willfully collects a rent increase after the same has been disapproved under this act (until and unless such disapproval has been reversed by a court of competent jurisdiction);

(2) any party who willfully makes a false statement in any document filed under this act;

(3) any person who willfully commits any other act in violation of any provision of this act or of any final administrative order issued pursuant to this act; or

(4) any person who willfully fails to meet obligations required under this act, shall be fined not more than five thousand dollars ($5,000) for each violation.

(c) Any landlord who has provided relocation assistance under this act may bring a civil action to recover the amount of relocation assistance paid to any person who was not eligible to receive such assistance.

(d) Any person who knowingly or willfully makes a false or fraudulent application, report, or statement in order to obtain, or for the purpose of obtaining any rental supplement grant or payment; or any person ceasing to become elligible for such grant or payment and who does not immediately notify the Mayor of his or her ineligibility, shall be fined not less than fifty dollars ($50) and not more than five thousand dollars ($5,000) for each offense. Such person found guilty of making false or fraudulent reports or statements or of failing to promptly notify the Mayor of his or her ineligibility, shall repay to the District of Columbia government any and all amounts paid by the District of Columbia government in reliance on such false or fraudulent application, report, or statement, or all amounts paid after eligibility ceases, and shall be liable for interest on such amounts at the rate of one-half of one percent (1/2%) per month until repaid.

Sec. 902. Attorney Fees. The Rent Administrator, Rental Housing Commission, or a court of competent jurisdiction may award reasonable attorney fees to the prevailing party

D.C.Code, sec. 45-1692

in any action under this act except actions for eviction authorized under section 501.

Sec. 903. Severability. If any provision of this act or any section, sentence, clause, phrase, or word or the application thereof, shall in any circumstances be held invalid, the validity of the remainder of the act and of the application of any such provision, section, sentence, clause, phrase, or word shall not be affected.

D.C.Code, sec. 45-1693

Sec. 904. Supersedure. This act shall be deemed to supersede the Rental Accommodations Act of 1975, and the Rental Housing Act of 1977: EXCEPT, That a petition filed with the Rent Administrator under the Rental Housing Act of 1977 shall be determined under the provisions of the Rental Housing Act of 1977.

D.C.Code, sec. 45-1694

Sec. 905. Service.

D.C.Code, sec. 45-1695

(a) Unless otherwise provided by Rental Housing Commission regulations, any information or document required to be served upon any person shall be served upon that person, or the representative designated by that person or by the law to receive service of such documents. When a party has appeared through a representative of

record, service shall be made upon that representative. Service upon a person may be completed by any of the following ways:

(1) by handing the document to the person, by leaving it at such person's place of business with some responsible person in charge or by leaving it at the person's usual place of residence with a person of suitable age and discretion present therein; or

(2) by telegram, when the content of the information or document is given to a telegraph company properly addressed and prepaid; or

(3) by mail, or deposit with the United States Postal Service properly stamped and addressed; or

(4) by any other means that is in conformity with an order of the Rental Housing Commission or the Rent Administrator in any proceeding.

(b) No rent increases, whether pursuant to this act, the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, or any administrative decisions issued thereunder, shall be effective until the first day on which rent is

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normally paid occurring more than thirty (30) days after notice of such increase is given to the tenant.

Sec. 906. Effective Date. (a) This act shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)) or upon the expiration of the Rental Housing Act of 1977 Extension Act of 1980, effective September 26, 1980 (D.C. Law 3-106), whichever shall last occur, except as provided in subsection (b).

Note, D.C.Code, sec. 45-1694

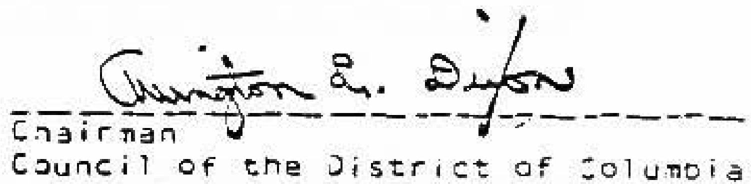
(b) Section 801 shall take effect after a thirty (30)-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

The Council of the District of Columbia

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-147(c)(1)).

Sec. 907. Termination. All titles of this act, except title V shall terminate on April 30, 1985.

D.C. Code, sec. 45-1696



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: January 7, 1981

COUNCIL OF THE DISTRICT OF COLUMBIA

RECORD OF OFFICIAL COUNCIL ACTION

DOCKET NO: B 3-321

ACTION: Adopted First Reading, 11/12/80

[X] VOICE VOTE: Unanimous

Absent: all present

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD

Secretary to the Council

ACTION: Adopted Amended First Reading, 11/25/80

[X] VOICE VOTE: Majority

Absent: all present

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD

Secretary to the Council

ACTION: Adopted Final Reading, Consent Calendar, 12/9/80

[X] VOICE VOTE: Unanimous

Absent: Clarke

[ ] ROLL CALL VOTE:

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
DIXON					KANE					SHACKLETON				
WINTER					MASON					SPAULDING				
CLARKE					MOORE					WILSON				
HARDY					RAY									
JARVIS					ROLARK									

CERTIFICATION OF RECORD

Secretary to the Council