

GOVERNMENT OF THE DISTRICT OF COLUMBIA
RENTAL HOUSING COMMISSION



CERTIFICATION AND NOTICE
OF
RENT ADJUSTMENT OF GENERAL APPLICABILITY AND
QUALIFYING INCOMES FOR RENT EXEMPTIONS

EFFECTIVE MAY 1, 2023

SUMMARY

If you are a tenant in or housing provider of a rent-controlled apartment or house:

- In general, a tenant's rent should not go up by more than **8.9%** this year, unless the housing provider has special approval.
- If a tenant is 62 or older or has a disability, the rent should not go up by more than **5%**, unless the housing provider has special approval.
- If a tenant is 62 or older or has a disability *and* the annual household income is less than what's listed in this notice (for example, **\$85,400 for a household of four** people), the tenant might not have to pay part of the rent for their unit if the housing provider got special approval for a rent increase.

Tenants and housing providers also have other rights and responsibilities under the law. This notice is only about specific limits that will take effect this year.

REGULATORY UPDATE

Effective December 31, 2021, the Rental Housing Commission has issued new regulations that change the notice and filing requirements for rent increases regulated by the Rent Stabilization Program (rent control) of the Rental Housing Act of 1985, including technical corrections effective October 21, 2022. Please see <https://rhc.dc.gov/page/rental-housing-act-and-regulations> for more information and guidance. The Rental Accommodations Division has also updated its forms and instructions, which are required to be used for regulated rent adjustments, specifically Forms 8 and 9 for annual adjustments. Please see <https://dhcd.dc.gov/service/rent-control> for the latest versions of these forms.

(notice continues on next page)

LEGAL NOTICE

In General

- Pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.06(b)) (“Act”), the Rental Housing Commission (“Commission”) shall determine a maximum allowable adjustment of general applicability in the rent charged in accordance with section 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) for rental units covered by the Rent Stabilization Program,¹ which shall be equal to the change during the previous calendar year Consumer Price Index for Urban Wage Earners and Clerical Workers for All Items (“CPI-W”) in the Washington, D.C. statistical area.²
- Pursuant to section 206(b) of the Act, the Commission determined that the CPI-W for All Items in the Washington, D.C. statistical area increased by 6.9% during the previous calendar year.
- Pursuant to section 202(a)(3)(A) of the Act (D.C. Official Code § 42-3502.02(a)(3)(A)), the Commission hereby certifies and gives notice that **the rent adjustment of general applicability to become effective on May 1, 2023, shall not exceed 6.9% of the legal rent charged** for a covered rental unit on April 30, 2023.
- Pursuant to section 208(h)(2)(A) of the Act (D.C. Official Code § 42-3502.08(h)(2)(A)), except as provided for elderly tenants and tenants with a disability (without regard to income), a housing provider may increase the rent charged for a rental unit by **an additional 2%** above the adjustment of general applicability, for a **total of 8.9%**.
- Pursuant to section 103(29A) of the Act (D.C. Official Code § 42-3501.03(29A)), “rent charged” means the entire amount of money, money’s worth, benefit, bonus, or gratuity a tenant **must actually pay** to a housing provider as a condition of occupancy or use of a rental unit, its related services, and its related facilities, pursuant to the Rent Stabilization Program, but **does not include rent surcharges** that have been approved as part of a hardship, capital improvement, or substantial rehabilitation petition.

¹ The coverage of the Rent Stabilization Program is established by section 205(a)-(e) of the Act (D.C. Official Code § 42-3502.05(a)-(e)).

² The Rental Housing Commission and the Rent Administrator are mandated by Act to annually calculate and publish in the *District of Columbia Register* the percentage change in the “Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items.” D.C. Official Code §§ 42-3502.04(k), 42-3502.06(b). However, the Act does not reflect changes in the publication by the United States Department of Labor, Bureau of Labor Statistics (“BLS”), which publishes the CPI-W statistics and determines what cities, counties, and states are included in statistical areas. In 2018, BLS discontinued its prior publication, in use since 1998, and now includes the District of Columbia in the “Washington-Arlington-Alexandria, DC-VA-MD-WV Core Based Statistical Area.” See <https://www.bls.gov/cpi/additional-resources/geographic-revision-2018.htm>. The BLS data on which the Commission relies is published with the Series ID CWURS35ASA0. The average of the bi-monthly published index values changed from 274.147 in 2021 to 293.147 in 2022. The Commission has rounded the percent change to the nearest tenth of a percent.

Age & Disability Limits

- Pursuant to section 202(a)(3)(B) of the Act (D.C. Official Code § 42-3502.02(a)(3)(B)), the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).
- Pursuant to section 202(a)(3)(B) of the Act, the Commission determined that the Social Security COLA established for calendar year 2023 is **8.7%**.³
- Pursuant to section 202(a)(3)(C) of the Act (D.C. Official Code § 42-3502.02(a)(3)(C)), the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or a tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act (D.C. Official Code § 42-3502.24(a)),⁴ which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this notice; (b) the Social Security COLA, as determined by this notice; or (c) 5% of the current rent charged.
- Pursuant to section 202(a)(3)(C) of the Act, the Commission hereby certifies and gives notice that **the annual adjustment in the rent charged to become effective on May 1, 2023 for a covered rental unit occupied by an elderly tenant or a tenant with a disability shall not exceed 5% of the legal rent charged on April 30, 2023.**

³ See 87 Fed. Reg. 64296 (Oct. 24, 2022).

⁴ For the purpose of determining the maximum allowable rent increase under section 224(a) of the Act, the term “elderly tenant” means a tenant who is at least **62 years of age**, as defined by section 103(12) of the Act (D.C. Official Code § 42-3501.03(12)), and “tenant with a disability” means a tenant who has **a physical or mental impairment that substantially limits one or more major life activities**, as defined by section 103(36A) of the Act (D.C. Official Code § 42-3501.03(36A)) to incorporate the definition of “disability” provided by section 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)).

Age & Disability with Low Income Limits

- Pursuant to section 202(a)(3)(D) of the Act (D.C. Official Code § 42-3502.02(a)(3)(D)), the Commission shall additionally determine the maximum qualifying income for an elderly tenant or a tenant with a disability to be exempt from certain rent surcharges and adjustments pursuant to section 224(b) and (i) of the Act (D.C. Official Code § 42-3502.25(b) & (i)),⁵ as 60% of the area median income, based on household size, in accordance with section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)) (“HPTF Act”).⁶
- Pursuant to section 202(a)(3)(D) of the Act (D.C. Official Code § 42-3502.02(a)(3)(D)), the Commission hereby certifies and gives notice that **the maximum qualifying income for an elderly tenant or a tenant with a disability to be exempt from certain rent surcharges and adjustments shall be:**⁷
 - For a household of one person, \$59,750;
 - For a household of two people, \$68,300;
 - For a household of three people, \$76,850;
 - For a household of four people, \$85,400; and
 - For a household of five people or more, \$93,950, plus \$8,550 for each additional person above five.

The Rental Housing Commission may be contacted at:

441 4th Street, NW
Suite 1140B-N
Washington, DC 20001
(202) 442-8949 (main); (202) 442-9535 (alt)
<https://rhc.dc.gov>

⁵ **Subject to the availability of tax credits**, as determined by the Chief Financial Officer of the District of Columbia, a housing provider may not charge an elderly tenant or tenant with a disability with a qualifying income any rent or rent surcharge approved in a capital improvement petition, services and facilities petition, hardship petition, substantial rehabilitation petition, or voluntary agreement. D.C. Official Code § 42-3502.24(b), (g), & (i).

⁶ Section 2(1) of the HPTF Act (D.C. Official Code § 42-2801(1)) requires the use of data published by the U.S. Department of Housing and Urban Development (“HUD”). Annually, HUD publishes its calculation of median family income, and corresponding program income limits, in April, the midpoint of the fiscal year. *See* <https://www.huduser.gov/portal/datasets/il/il20/Medians-Methodology-FY20r.pdf>. However, section 202(a)(3) of the Act (D.C. Official Code § 42-3502.02(a)(3)) requires the Commission to publish its qualifying incomes by March 1 of each year. Accordingly, the Commission uses the latest-available income data from HUD as of the date this notice is published. The area median income for 2022-2023 for a household of four persons in the District of Columbia, as determined by HUD, is \$142,300.

⁷ Consistent with HUD practices, the Commission has rounded the income limit for each household size to the nearest \$50.