

RENTAL HOUSING COMMISSION NOTICE OF FINAL RULEMAKING

Pursuant to the authority set forth in § 202(a)(1) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.02(a)(1) (2012 Repl.)) (“Act”), the Rental Housing Commission (“Commission”) hereby gives notice of the adoption of the following rules to amend Chapter 38 (Rental Housing Commission Operations and Procedures), Chapter 39 (Rental Accommodations Division), Chapter 41 (Coverage and Registration), Chapter 42 (Rent Stabilization Program), Chapter 43 (Eviction, Retaliation, and Tenant Rights), and Chapter 44 (Demolition and Conversion) of Title 14 (Housing) of the District of Columbia Municipal Regulations (“DCMR”).

A notice of emergency and proposed rulemaking was published in the *D.C. Register* on October 21, 2022. 69 D.C.R. 012911. The final rules below make only minor, technical corrections and clarifications to the proposed rules, with no changes to the substantive rights of affected persons or to procedures that must be followed.

The rules primarily relate to the registration requirements under the Act and to various notices that are required to be served and filed pursuant to the Rent Stabilization Program of the Act. The need for these changes was discovered following the promulgation of a comprehensive revision of the implementing rules under the Act, effective December 31, 2021 (68 DCR 012634), as the Commission worked with the Rental Accommodations Division (“RAD”) of the Department of Housing and Community Development to revise the forms that housing providers are required to use for notifying tenants of certain information and for filing certain information with RAD.

Because of difficulties in publishing and disseminating the revised forms, and because of the necessary changes to the regulations, the Commission and RAD determined that a housing provider’s use of an incorrect form, or use of a form that required information inconsistent with the regulations, should be excused for a reasonable period. This grace period is incorporated by adding a new § 4200.17. This excuse is not intended to apply where a housing provider failed to use a required form, completed a form incorrectly on its face, or completed a form using incorrect information; only where the housing provider used the wrong version of a form, or the form and rules were inconsistent. The emergency and proposed rulemaking excused use of incorrect forms through October 31, 2022. The final rules move that date forward to January 31, 2023, because final, revised forms were published by RAD in that month.

These rules also reflect the transfer of operations from the Department of Consumer and Regulatory Affairs to the Department of Buildings and the Department of Licensing and Consumer Protection, which became effective October 1, 2022. Any references to those successor agencies are applicable from that date forward. These rules additionally clarify the procedures for electronic filing of appeals with the Commission, to match the practices that have been in place since the COVID-19 emergency and have functioned effectively. Finally, the rules contain minor technical, spelling, and grammatical corrections.

The Commission received one public comment, which suggested that the rules should better identify which RAD form is required for new and annual tenant disclosures in 14 DCMR § 4111. However, the rules are intended to provide RAD with the flexibility to develop appropriate forms and instructions. Presently, this includes dividing the required disclosure form into a three- (3-) form package (Forms 3, 4, and 5), and the Commission believes the current rules are sufficient to allow RAD to make any necessary changes based on future experience. The Commission has clarified in § 4111.3 that RAD may publish a “form *or set of forms*” to meet the disclosure requirements. Further, the comment suggested general clarifications to the proper calculations of “rent,” “rent charged,” and “rent surcharges.” In this respect, the final rules change the name given to the form that is required to certify to RAD that a rent adjustment has been implemented (Form 9). It is changed from “Certificate of Adjustment in Rent Charged,” which could be interpreted to exclude “rent surcharges,” to “Certificate of Rent Adjustment,” the generic term for an increase or decrease in rent charged or a rent surcharge. Otherwise, the Commission generally believes that RAD can develop appropriate forms and instructions under the current rules, and, absent any specific problems, general revisions to the use of those terms is beyond the scope of this rulemaking.

It was also brought to the Commission’s attention recently that its rules regarding online posting, 14 DCMR § 3800.9, incorrectly used the permissive “may” for the posting of decisions and orders on its website. Online posting of these decisions is required by the D.C. Freedom of Information Act, D.C. Official Code § 2-536(a)(3) & (b), and the rule is corrected to reflect that requirement and that public access to records will be consistent with D.C. Official Code § 2-532.

Title 14, HOUSING, of the DCMR is amended as follows:

Chapter 38, RENTAL HOUSING COMMISSION OPERATIONS AND PROCEDURES, is amended as follows:

Section 3800, GENERAL OPERATING PROVISIONS, is amended as follows:

Subsection 3800.9 is amended to read as follows:

3800.9 All orders of the Commission, including final decisions and orders, shall be issued in writing and made publicly available at the Commission’s office, consistent with D.C. Official Code § 2-532, and ~~may additionally be made available~~ on the Commission’s website ~~or the website of the Office of Open Government~~ and may additionally be made available by electronic database through other service(s) as the Commission may deem suitable.

Section 3801, FILING OF PLEADING, MOTIONS, AND OTHER DOCUMENTS, is amended as follows

Subsection 3801.10 is amended to read as follows:

3801.10 Pleadings, motions, or other documents, ~~except a notice of appeal,~~ may be filed by email attachment as follows:

- (a) All email attachments shall be in Portable Document Format (“.pdf” file type) or Microsoft Word format (“.doc” or “.docx” file types) and, without modification, shall comply with the formatting requirements in § 3801.12 when printed;
- (b) A party may file by email attachment ~~only with the prior authorization of the Clerk in the course of a proceeding before the Commission and in accordance with all directions given by the Clerk~~without prior authorization; provided, that the Clerk may, in his or her discretion, revoke ~~authorization~~permission of any person to file by email attachment with three (3) business days’ notice to the ~~party~~person, by U.S. mail or email;
- (c) Any party that files a pleading, motion, or other document by email attachment shall be deemed to consent to electronic service from the Commission and any other party for the purposes of § 3803.3(c);
- ~~(d)~~ For the purpose of documenting receipt, the Clerk shall make a copy of the email to which the filing is attached as part of the record of the case for which it is filed, but nothing in the body of the email shall be considered part of the filing;
- ~~(e)~~ An email received outside the Commission’s regular business hours shall be deemed filed at the start of the next day that the Commission is open for public business;
- ~~(f)~~ A party filing by email accepts the risk that an email or attachment may be delayed or disrupted by technical failure or defect and may not be properly filed; and
- ~~(g)~~ All filings by email attachment shall be sent to rhc.clerk@dc.gov.

Section 3899, DEFINITIONS, is amended as follows:

Subsection 3899.2 is amended by striking the definition of “Department of Consumer and Regulatory Affairs”.

Chapter 39, RENTAL ACCOMMODATIONS DIVISION, is amended as follows:

Section 3900, THE RENT ADMINISTRATOR, is amended as follows:

Subsection 3900.4(d) is amended to read as follows:

- (d) Referring appropriate matters to the Office of the Attorney General, ~~or the Department of Consumer and Regulatory Affairs the Department of Buildings, or the Department of Licensing and Consumer Protection.~~

Section 3901, FILING PETITIONS AND OTHER DOCUMENTS, is amended as follows:

Subsection 3901.2 is amended to read as follows:

3901.2 No fee shall be charged for filing any petition or other document with the Rental Accommodations Division; provided, that the applicable rental unit registration fee due under § 401 of the Act (D.C. Official Code § 42-3504.01) shall have been paid to the ~~Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection before ~~the~~ filing a Registration/Claim of Exemption Form for the subject housing accommodation.

Subsection 3901.13 is amended to read as follows:

3901.13 Unless otherwise directed by the Rent Administrator, ~~O~~only the following documents may be filed by email attachment:

- (a) Registration/Claim of Exemption Forms;
- (b) Amended Registration Forms;
- (c) Tenant’s Notice to Housing Provider of Elderly or Disability Status Forms;
- (d) Elderly Tenant and Tenant with a Disability Claim of Exemption from Housing Provider Petition Rent Surcharge Increase Forms;
- (e) Certificates of Adjustment in Rent Charged (including supporting Notices to Tenant of Adjustment in Rent Charged);
- (f) Rent history disclosure forms;
- ~~(fg)~~ Notices to vacate;
- ~~(gh)~~ Tenant Petitions; and
- ~~(hi)~~ Tenant Payment Plan Complaints under § 402 of the Coronavirus Support Temporary Amendment Act of 2021, effective June 24, 2021 (D.C. Law 24-0009; D.C. Official Code § 42-3281).

Section 3927, COMPLIANCE, is amended as follows:

Subsection 3927.6 is amended to read as follows:

3927.6 If the alleged violator fails to demonstrate compliance or reply to the notice of non-compliance within fifteen (15) days of receipt of the notice of non-compliance, the Rent Administrator shall immediately refer the matter to the Office of the Attorney General for appropriate enforcement or to the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings or Department of Licensing and Consumer Protection, as applicable~~if the conduct or inaction also constitutes a violation of any law or regulation enforced by that agency.~~

Chapter 41, COVERAGE AND REGISTRATION, is amended as follows:

Section 4102, REGISTRATION INFORMATION, is amended as follows:

Subsection 4102.2 is amended to read as follows:

4102.2 Except as provided by § 4102.3, ~~by § 4107 if claiming the small landlord exemption under that section, or by § 4108 if claiming the cooperative exemption under that section,~~ each housing accommodation that has a separate street address shall be registered by filing a separate Registration/Claim of Exemption Form with the Rental Accommodations Division.

Subsection 4102.6(b) is amended to read as follows:

- (b) If the owner is a non-resident of the District of Columbia, the name and street address (not including mailbox services or post office box addresses) and any other contact information of the registered agent as required ~~by the Department of Consumer and Regulatory Affairs~~ pursuant to D.C. Official Code § 42-903(b) ~~and or~~ § 203 of this title, or if a registered agent is voluntarily maintained by a resident owner, the same information ~~if a registered agent is maintained by a resident owner shall be provided;~~ and

Subsection 4102.7 is amended to read as follows:

4102.7 If a housing accommodation required to be registered under this chapter contains one (1) or more rental units excluded from coverage under the Act pursuant to § 205(e) of the Act (D.C. Official Code § 42-3502.05(e)), or one (1) or more rental units exempt from the Rent Stabilization Program pursuant to § 205(a) of the Act (D.C. Official Code § 205(a)), the housing provider shall identify the excluded or exempt rental units on the Registration/Claim of Exemption Form for the housing accommodation and shall specify the ~~section of basis under~~ the Act under on which ~~the exclusion or any~~ exemption is claimed. Any units exempted from the Rent Stabilization Program solely by reason of a tenant-specific subsidy shall be separately identified as exempt by an Amended Registration Form in accordance with § 4106.11.

Subsection 4102.11 is amended to read as follows:

4102.11 If the housing accommodation or any rental units being registered are covered by the Rent Stabilization Program, the registration number shall be identical to the housing business license number issued by the ~~D.C. Department of Consumer and Regulatory Affairs~~ Department of Licensing and Consumer Protection (or the Department of Consumer and Regulatory Affairs, as applicable). If the housing accommodation is or any rental units being registered are claimed to be exempt from the Rent Stabilization Program, the Rent Administrator shall issue an exemption number in accordance with the procedures of the Rental Accommodations Division.

There is added a new subsection 4102.12 is added to read as follows:

4102.12 Each Registration/Claim of Exemption Form for a housing accommodation that is covered by the Rent Stabilization Program shall include a computation of the housing provider's rate of return for the housing accommodation, in accordance with § 4209; provided, that a housing provider's registration shall not be deemed invalid by reason of a good faith error in the computation, nor shall supporting documentation be required to be filed with the Registration/Claim of Exemption Form.

Section 4103, CHANGES TO REGISTRATION/CLAIM OF EXEMPTION FORMS, is amended as follows:

Subsection 4103.3 is amended to read as follows:

4103.3 A housing provider who files an amendment to a Registration/Claim of Exemption Form as required by § 4103.1 ~~or who files a new form as required by § 4103.2~~ shall, within fifteen (15) days of the return of a date-stamped copy of the form from the Rental Accommodations Division, provide a true copy of the form to all tenants post or mail a date-stamped copy of the amendment form or the new form in accordance with § 4101.6(a) or (b), except if the form is being filed pursuant to § 4106.11 to claim a tenant-specific subsidy exemption, in which case the form shall be served upon the tenant of the affected rental unit in accordance with § 4200.16(a), (b), or (c).

Section 4106, CLAIMS OF EXEMPTION FROM RENT STABILIZATION PROGRAM, is amended as follows:

Subsection 4106.14(a) is amended to read as follows:

- (a) The housing accommodation was:
 - (1) Continuously vacant and not subject to a rental agreement during the period beginning on January 1, 1985, and ending on July 17, 1985 (the effective date of the Act); or

- (2) ~~Previously exempt under~~Pursuant to § 206(a)(4) of the Rental Housing Act of 1980, continuously vacant and not subject to a rental agreement during the period beginning on January 1, 1980 and ending on March 4, 1981; and

Subsection 4106.15 is amended to read as follows:

- 4106.15 A rental unit may be exempt under § 205(a)(5) of the Act (D.C. Official Code § 42-3502.05(a)(5)) (the cooperative exemption) if:
- (a) The rental unit for which exemption is claimed meets the requirements of § 4108; ~~and~~
 - (b) The Registration/Claim of Exemption Form is filed in accordance with § 4107 (the small landlord exemption) and includes the signature-name and street address (not including mailbox services or post office box addresses) of each person having a direct or indirect interest in the proprietary lease or occupancy agreement, as defined under § 4107; and
 - (c) The Registration/Claim of Exemption Form includes the addresses of all other housing accommodations or rental units located in the District of Columbia in which the owners, individually or collectively, have a direct or indirect interest, and the number of rental units in each listed housing accommodation.

Section 4107, SMALL LANDLORD EXEMPTION, is amended as follows:

Subsection 4107.5 is amended to read as follows:

- 4107.5 ~~Notwithstanding § 4102.2, a~~A housing provider who claims the small landlord exemption shall file a single-separate Registration/Claim of Exemption Form for each housing accommodation with a separate street address. Each Registration/Claim of Exemption Form on which the small landlord exemption is claimed shall that includeslist all rental units within the District of Columbia that are owned by the landlord or in which the landlord has an interest, directly or indirectly.

Subsection 4107.10 is amended to read as follows:

- 4107.10 For the purposes of § 4107.9, if a person has an option to acquire an ownership or equity interest in a business entity, or an option to acquire an ownership or equity interest in a rental unit, not including an option to purchase pursuant to the Tenant Opportunity to Purchase Act of 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3404.01 et seq.)~~Rental Conversion and Sale Act of 1980~~, the interest shall be attributed to the person.

Section 4109, REGISTRATION FEE, is amended as follows:

Subsection 4109.1 is amended to read as follows:

4109.1 Each housing provider required to be registered under this chapter shall pay the registration fee established by § 401 of the Act (D.C. Official Code § 42-3504.01) through the ~~Department of Consumer and Regulatory Affairs (“DCRA”)~~ Department of Licensing and Consumer Protection (“DLCP”) in accordance with § 207.1 of this title at the time its housing business license is issued or renewed or as otherwise directed by ~~DCRADLCP~~.

Section 4111, DISCLOSURES TO PROSPECTIVE AND CURRENT TENANTS, is amended as follows:

Subsection 4111.2(a)(7) is amended to read as follows:

- (7) Copies of any notices of violations of the Housing Regulations, including the Property Maintenance Code, at the housing accommodation issued by the Department of Buildings (or the Department of Consumer and Regulatory Affairs, as applicable) within the past twelve (12) months, or at any time if the violation(s) has not been abated;

The lead-in language of subsection 4111.3 is amended to read as follows:

4111.3 The Rent Administrator shall publish a form or set of forms that, when properly completed by a housing provider, contains:

Subsection 4111.5(a) is amended to read as follows:

- (a) A completed copy of the form(s) described in § 4111.3; and

Subsection 4111.6 is amended to read as follows:

4111.6 For units covered by the Rent Stabilization Program, a copy of the disclosure form given to a tenant pursuant to § 4111.5(a) shall be filed with the Rental Accommodations Division within thirty (30) days of the commencement of the tenancy if the rent charged is being adjusted based on a vacancy adjustment under § 4207. The copy filed shall include only the rent history portion of the disclosure form.

Chapter 42, RENT STABILIZATION PROGRAM, is amended as follows:

Section 4200, GENERAL OVERVIEW, is amended as follows:

A new subsection 4200.17 is added:

4200.17 A housing provider shall not be liable for violating any provision of Chapter 41 or this chapter because, between December 31, 2021 and January 31, 2023, the housing provider served a tenant with any notice or filed any document with the Rental Accommodations Division on a form that was published by the Rent Administrator prior to December 2021 or on a form published by the Rent Administrator that required information different from that required by the Act or this chapter.

Section 4202, LAWFUL RENT UPON TERMINATION OF EXCLUSION, is amended as follows:

Subsection 4202.2 is amended to read as follows:

4202.2 A housing provider of a rental unit previously excluded from coverage of the Act and not claiming an exemption from the Rent Stabilization Program shall file a Registration/Claim of Exemption Form in accordance with § 4101 within thirty (30) days of the event that causes the unit to lose its exclusion. If a tenant occupies the unit at the time the unit loses its exclusion, the Registration/Claim of Exemption Form shall state the amount of rent lawfully determined in accordance with § 4202.3. If the unit is vacant at the time it loses its exclusion, the Registration/Claim of Exemption Form shall state the anticipated rent in accordance with § 4202.3; provided, that if the rent charged upon occupancy is different, the housing provider shall file a ~~Certificate of Adjustment in Rent Charged~~Certificate of Rent Adjustment within thirty (30) days of the first date the actual rent charged is due.

Section 4204, AUTHORIZATION AND FILING OF RENT ADJUSTMENTS GENERALLY, is amended as follows:

The lead-in language of subsection 4204.10 is amended to read as follows:

4204.10 A housing provider shall file a ~~Certificate of Adjustment in Rent Charged~~Certificate of Rent Adjustment form, as published by the Rent Administrator, no more than thirty (30) days after the effective date of any rent adjustment, as determined in accordance with § 4205.6, whether or not the affected rental unit is occupied. Each certificate shall state:

Subsection 4204.11 is amended to read as follows:

4204.11 If a housing provider does or is required to decrease the rent charged for a rental unit for any reason, including that an elderly tenant or tenant with a disability is protected under § 224 of the Act (D.C. Official Code § 42-3502.24) and § 4215 of this chapter or upon the termination of a rent surcharge, the housing provider shall file a ~~Certificate of Adjustment in Rent Charged~~Certificate of Rent Adjustment in accordance with § 4204.10.

Section 4205, IMPLEMENTATION AND NOTICE OF RENT ADJUSTMENTS, is amended as follows:

The lead-in language of subsection 4205.4(a) is amended to read as follows:

- (a) The housing provider shall provide the tenant of the rental unit not less than thirty (30) days advance written notice of the rent increase, by service in accordance with § 4200.16, on a Notice to Tenant of Rent Adjustment ~~in Rent Charged~~ form published by the Rent Administrator, in which the following items shall be included:

Subsection 4205.4(a)(6)(C) is amended to read as follows:

- (C) The standards, ~~including the current qualifying income for exemption from rent surcharges,~~ and procedures by which a tenant may establish protected tenant status as set forth in § 224(d) of the Act (D.C. Official Code § 42-3502.24(d)) and any rules and requirements implemented by the Mayor pursuant to that section.

Subsection 4205.4(d) is amended to read as follows:

- (d) After the rent adjustment takes effect, the housing provider, simultaneously with the filing of the information required by § 4204.10, shall file with the Rental Accommodations Division a copy, or a sample copy if multiple rental units are affected, of the Notice to Tenant of Rent Adjustment ~~in Rent Charged~~, and shall certify that the notice was served on the tenant along with an affidavit containing by listing the names of persons served, unit numbers, date, and type of service provided, ~~certifying that the notice was served on all for each affected tenants rental unit~~ in the housing accommodation.

Subsection 4205.6(a) is amended to read as follows:

- (a) If the rental unit is occupied, the date on which the new rent is due, as stated on the Notice to Tenant of Rent Adjustment ~~in Rent Charged~~ served on the tenant; or

Subsection 4205.6(b)(1) is amended to read as follows:

- (1) For a vacancy adjustment, the date the first new tenancy commences for the rental unit after the vacancy occurs; provided that the housing provider has filed or files a ~~Certificate of Adjustment in Rent Charged~~ Certificate of Rent Adjustment within thirty (30) days of the vacancy occurring, in accordance with § 4207.4; or

Section 4207, VACANCY RENT ADJUSTMENTS, is amended as follows:

Subsection 4207.4 is amended to read as follows:

4207.4 A vacancy adjustment shall become authorized on the day on which a housing provider retakes possession of the rental unit in accordance with § 4207.2. The housing provider shall file a ~~Certificate of Adjustment in Rent Charged~~Certificate of Rent Adjustment with the Rental Accommodations Division within thirty (30) days of retaking possession, in accordance with § 4204.10, stating the maximum, lawful rent that may be demanded from the next tenant. The authorized rent adjustment shall be deemed effective if and when the first month's rent is due from the next tenant. Authorization for a vacancy adjustment shall not be preserved beyond the commencement of the next tenancy.

Subsection 4207.8 is amended to read as follows:

4207.8 If a rent adjustment is implemented under this section, A copy of the disclosure form given to athe new tenant pursuant to § 4111.5(a) shall be filed with the Rental Accommodations Division within thirty (30) days of the commencement of the tenancy in accordance with § 4111.6.

Section 4209, PETITIONS BASED ON CLAIM OF HARDSHIP, is amended as follows:

Subsection 4209.13(g) is amended to read as follows:

- (g) Attorney's fees charged for services connected with counseling or litigation related to actions brought by the District of Columbia government due to the housing provider's repeated failure to comply with applicable provisions of the Housing Regulations as evidenced by violation notices issued by the Department of Buildings (or the Department of Consumer and Regulatory Affairs, as applicable); or

Section 4212, PETITIONS BASED ON SUBSTANTIAL REHABILITATION, is amended as follows:

Subsection 4212.22 is amended to read as follows:

4212.22 Notwithstanding § 4212.21, if all rental units proposed to be affected by a substantial rehabilitation petition ~~is claimed~~are certified by the Housing Provider to be vacant, ~~the Rent Administrator shall mail notice to each unit that a petition has been filed claiming the unit is vacant and affording any tenant a reasonable opportunity to respond. If the Rent Administrator is satisfied that each affected rental unit is vacant,~~ the Rent Administrator shall review the petition and supporting materials in accordance with this section and issue a final order ~~or~~ granting or denying the petition, in whole or in part.

Section 4214, TENANT PETITIONS, is amended as follows:

Subsection 4214.4(j) is amended to read as follows:

- (j) A rent increase was implemented after failing to make the required disclosures under § 22~~1~~2 of the Act (D.C. Official Code § 42-3502.2~~1~~2) or § 4111 of this title.

Section 4215, PROHIBITED RENT ADJUSTMENTS FOR ELDERLY TENANTS AND TENANTS WITH A DISABILITY, is amended as follows:

Subsection 4215.3 is amended to read as follows:

- 4215.3 A rent surcharge listed in § 4215.2 may be implemented for a rental unit occupied by a protected tenant if the protected tenant waives his or her rights under that subsection in a written document that states that the waiver is made voluntarily, without coercion, and with full knowledge of the ramifications of a waiver of their rights. A copy of the written waiver shall be filed with the Rental Accommodations Division simultaneously with the ~~Certificate of Adjustment in Rent Charged~~Certificate of Rent Adjustment that shows the implementation of the rent surcharge.

Subsection 4215.4 is amended to read as follows:

- 4215.4 Notwithstanding § 4215.1, a rent surcharge, not including a rent surcharge based on a voluntary agreement, may be implemented for a rental unit occupied by a protected tenant if the Chief Financial Officer of the District of Columbia determines and notifies the Rent Administrator in writing that funds are not available for the housing provider to receive the tax credit established by § 224(g) of the Act (D.C. Official Code § 42-3502.24(g)). The Rent Administrator shall notify any affected housing provider in writing, by U.S. mail or email, if funds are not available and shall include a copy of the Chief Financial Officer's written determination.

Subsection 4215.11 is amended to read as follows:

- 4215.11 The Rent Administrator shall immediately ~~mail~~send notice, by U.S. mail or email, to the housing provider of a tenant who files a completed application in accordance with § 4215.10, stating the date of the filing and whether the tenant claims to be an elderly tenant, tenant with a disability, or to have a qualifying income.

Subsection 4215.13(b) is amended to read as follows:

- (b) The housing provider has substantial grounds to believe that the tenant does not qualify for protected status or that relevant documentation is fraudulent or has been falsified;

Section 4216, REQUIREMENT TO MAINTAIN SUBSTANTIAL COMPLIANCE WITH HOUSING REGULATIONS, is amended as follows:

Subsection 4216.3 is amended to read as follows:

4216.3 In reviewing a housing provider’s petition or application for a rent adjustment for which prior administrative approval is required, there shall be a rebuttable presumption of substantial compliance with the Housing Regulations for each rental unit and the common elements of a housing accommodation, if:

- (a) All rental units in the housing accommodation have been inspected at the housing provider’s request by the ~~Department of Consumer and Regulatory Affairs (“DCRA”)~~ Department of Buildings (“DOB”) within thirty (30) days immediately preceding the date of filing of the petition or application; and
- (b) If the inspection performed in accordance with paragraph (a), or any subsequent inspection while the petition or application is pending, results in a citation by ~~DCRA~~ DOB for a substantial violation of the Housing Regulations in a rental unit proposed to be affected by the petition or in the common areas of the housing accommodation, abatement of each substantial violation:
 - (1) Has occurred within forty-five (45) days of issuance of the citation, or such other time period as ~~DCRA~~ DOB may have required in the citation;
 - (2) Has been certified by ~~DCRA~~ DOB, or by the housing provider or by each tenant affected by the violation and supporting evidence has been presented to substantiate the certification; and
 - (3) Each tenant proposed to be affected by the rent adjustment has been given notice of the certification and ten (10) days, from the date the housing provider submits certification of abatement to the Office of Administrative Hearings, in which to submit objections to the certification of abatement.

Chapter 43, EVICTIONS, RETALIATION, AND TENANT RIGHTS, is amended as follows:

Section 4300, GROUNDS FOR EVICTION, is amended as follows:

Subsection 4300.1(b)(9) is amended to read as follows:

- (9) For closure of a building by order of the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, pursuant to § 501(n) of the Act (D.C. Official Code § 42-3505.01(n)) and § 103 of this title or § 108 of the District of Columbia Property Maintenance Code (12-G DCMR § 108).

Subsection 4300.13 is amended to read as follows:

4300.13 Any notice that seeks to evict a tenant pursuant to § 501(g) of the Act (D.C. Official Code § 42-3505.01(g)) (demolition), when filed with the Rent Administrator, shall be accompanied by a copy of the demolition permit issued by the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings and a certification that the tenant has been given the opportunity to purchase provided by TOPA, if required.

Section 4304, TENANT RIGHTS TO ORGANIZE, is amended as follows:

Subsection 4304.3(f)(1) is amended to read as follows:

- (1) Rent increases, requests or demands for rent increases, or the implementation of, or petitions or applications for administrative approval of, ~~rent adjustments~~ ~~increases in the Registered Rent Charged~~ under the Rent Stabilization Program;

Chapter 44, DEMOLITION, CONVERSION, AND RELOCATION ASSISTANCE, is amended as follows:

Section 4400 is amended as follows:

Subsection 4400.1 is amended to read as follows:

4400.1 If a housing provider requests a permit to demolish a housing accommodation by filing an application with the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings, a copy of the application shall be filed with the Rent Administrator.

Subsection 4400.3 is amended to read as follows:

4400.3 The Rent Administrator shall determine whether the demolition is prohibited by § 602 of the Act (D.C. Official Code § 42-3506.02) and shall notify the ~~Department of Consumer and Regulatory Affairs~~ Department of Buildings of the determination.