

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

NOTICE OF PROPOSED 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)) (“Act” or “Rental Housing Act”), the Rental Housing Commission (“Commission”) hereby gives notice of the adoption of the following amendments to Chapter 43 (Evictions, Retaliation, and Tenant Rights) of Title 14 (Housing) of the District of Columbia Municipal Regulations (“DCMR”).

The rules relate to § 101 of the Rebalancing Expectations for Neighbors, Tenants, and Landlords (RENTAL) Amendment Act of 2025, effective December 31, 2025 (D.C. Law 26-80; 73 DCR 000613) (“RENTAL Act”). In relevant part, the RENTAL Act amends § 501 of the Rental Housing Act (D.C. Official Code § 42-3505.01) to “provide for expedited review of eviction proceedings stemming from a dangerous crime or crime of violence, . . . to reduce the pre-filing notice period in cases seeking eviction for nonpayment, and to update procedures for pre-filing notice to tenants in eviction cases.” These provisions affect the Commission’s existing rules in 14 DCMR §§ 4300 & 4302. The Commission accordingly proposes the following rules to conform those sections with the amended Act.

The Commission’s reasoning for significant changes to the existing rules is as follows:

- The RENTAL Act reduces the pre-filing notice period for non-payment cases from 30 days to 10 days by amending § 501(a-1)(1) of the Rental Housing Act (D.C. Official Code § 42-3505.01(a-1)(1)). However, it does not amend paragraph (2) of that subsection, which requires a notice of intent to file a claim to state that a claim may be filed if the tenant does not “pay the balance of unpaid rent in full within 30 days of this notice.” D.C. Official Code § 42-3505.01(a-1)(2). The Commission interprets the substantive change to paragraph (1) as implicitly superseding the notice contents prescribed in paragraph (2). Accordingly, the Commission proposed to amend its corresponding rule in 14 DCMR § 4300.7(c) to require a notice of intent to file a claim to state that the balance must be paid in 10 days.
- The RENTAL Act changes the service requirements for notices to vacate for non-payment of rent (referred to as “notices of intent to file a claim”). As explained in a prior Commission rulemaking, the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, effective May 18, 2022 (D.C. Law 24-115; 69 DCR 002683) incorporated the service of process rules for summons to court into the notice process. *See* 69 DCR 015208, 015214 (Dec. 16, 2022) (notice of proposed rulemaking). That requirement is now codified in 14 DCMR § 4300.25, using language from D.C. Official Code § 16-1502. The revised requirement for non-payment notices is found in § 501(a-1)(3) of the Act (D.C. Official Code § 42-3505.01(a-1)(3)) and is substantially similar to the posting-with-mailing option for service of process. However, the new provision does not contain the requirement that service by posting-with-mailing may only be done “[i]f the defendant has left the District, or cannot be found.” *See also* 14 DCMR § 4300.26 (describing the “diligent and conscientious efforts” to locate a tenant that are required by D.C. Court of Appeals case law).

The Commission’s proposed rules create a new § 4300.27 regarding service of notices of intent to file a claim for non-payment of rent. This rule tracks the statutory language in § 501(a-1)(3) of the Act, and the Commission has also added the requirement found in § 501(a)(2) of the Act, which applies to all notices, that a housing provider must retain timestamped, photographic evidence of posting.

The amended Act is silent on the timing of mailing relative to delivery or posting. Given that the amended statutory provision is mostly analogous to the service of process requirements in D.C. Official Code § 16-1502, in which the completion of service is the delivery or posting at the premises, and the required mailing is merely a backup method to better assure delivery. The Commission interprets the Act’s non-payment specific service rules as operating in the same manner. Accordingly, the proposed rules expressly adopt, in § 4300.28(a), the requirement that mailing be done within three (3) days of service by posting, consistent with D.C. Official Code § 16-1502 and 14 DCMR § 4300.25(b)(2) for all other notices to vacate. The proposed rules also expressly adopt, in § 4300.6, the requirement that the ten- (10-) day period before a claim for possession may be filed begins to run from the date the notice is delivered or posted, rather than the mailing date, again consistent with the standards for all other notices.

- Section 501(c) of the Act (D.C. Official Code § 42-3505.01(c)), provides that “A housing provider may recover possession of a rental unit where a court of competent jurisdiction has determined that the tenant, or a person occupying the premises with or in addition to the tenant, has performed an illegal act within the rental unit or the housing accommodation. Except as otherwise provided in paragraph (2)([A]) of this subsection [allowing 10-day notice for dangerous or violent crimes], the housing provider shall serve on the tenant a 30-day notice to vacate.” The statute does not expressly require that the court’s determination occur before the notice to vacate is issued. However, the Commission’s long-standing interpretation, found in 14 DCMR § 4300.11 & 4302.3, has been that a “final determination” by a court, with no appeal pending, is a prerequisite to a housing provider issuing a notice to vacate.

The RENTAL Act modifies § 501(c) by adding a new paragraph (2) to provide expedited procedures and court determination by the “preponderance of the evidence” standard for an eviction based on dangerous or violent crimes. Those expedited procedures in paragraph (2) appear to rely on the existing notice to vacate requirements in paragraph (1), only changing the number of days’ notice required, stating that such evictions can occur “[i]n each case pursuant to paragraph (1) . . . in which the alleged illegal act . . . would constitute a dangerous [or violent] crime.” It does not appear, however, that expedited procedures would be compatible with the existing rules’ requirement of final judgment before issuing a notice to vacate.

Indeed, the full text of § 501(c)(2) indicates that there need not be any prior judicial determination of illegal conduct before a housing provider may serve a notice to vacate. First, subparagraph (A) provides that an “alleged” illegal act can serve as a trigger for a notice to vacate, on an abbreviated timeframe, and that a court must then hold an expedited hearing on the housing provider’s complaint for possession. That phrasing suggests that no prior adjudication is necessary and that a court will consider the housing provider’s

allegations at the time it hears the complaint. Second, subparagraph (B) expressly states that, “[i]f the Court determines by a preponderance of evidence that the tenant or occupant engaged in a dangerous crime as defined in § 23-1331(3) or a crime of violence as defined in § 23-1331(4), the Court shall enter a final judgment for possession and issue a writ of restitution that mandates the eviction of the tenant or occupant.” The provision, which sets out an evidentiary standard, confirms that the court will conduct factfinding on the housing provider’s allegations of criminal acts as part of its hearing on the complaint.

The legislative history of the RENTAL Act supports this interpretation. The Report of the Committee on Housing on Bill 26-164, the [RENTAL Act]” (July 9, 2025) (“Committee Report”) at 10-11, which was based on an earlier version of the legislation, cites the Commission rules regarding a “final determination,” but goes on to state that “a formal criminal charge for a qualifying violent offense provides sufficient cause to initiate expedited proceedings.” The Committee Report further states that dangerous or violent crimes are not a “new standalone eviction cause of action,” *id.*, suggesting some initial judicial determination might be required. However, following the Committee’s action and before the first reading by the entire Council, an amendment in the nature of a substitute (“ANS”) was approved that removed the Committee’s language from § 501(c)(2) that required a indictment obtained by a prosecutor be attached to a housing provider’s notice to vacate, citing concerns of undue delay, and allowing eviction cases to proceed on the mere allegation of a dangerous or violent crime by a housing provider. *See* Memorandum from Robert C. White, Jr., Chair, Committee on Housing, Notice of Intent to Move an ANS on July 28 (July 24, 2025) (“ANS Memo”) at 1. The ANS Memo explains that, under its revisions, “housing providers would allege a crime of violence to qualify for an expedited hearing, but a judge would have to determine the act occurred by a preponderance of evidence to evict a tenant.” *Id.*

Accordingly, it appears to the Commission that the Council’s intent in the final, enacted version of the RENTAL Act was to create a separate notice-to-vacate process for dangerous or violent crimes that does not require a prior judicial determination, while leaving the existing notice to vacate for illegal acts in general unchanged. A 10-day notice to vacate may therefore be issued based solely on a housing provider’s allegation of a dangerous or violent crime, and the Superior Court’s Landlord-Tenant Branch will be required to conduct an expedited hearing on the allegation and applicable defenses using a preponderance of the evidence standard. A housing provider may choose, in some cases, to wait for prosecution and conviction or other civil judgment and then proceed with an eviction under § 501(c)(1) of the Act, but it is not necessary to wait if the alleged act qualifies under § 501(c)(2).

- The proposed rules in 14 DCMR § 4302.4 add specific content requirements for 10-day notices to vacate for dangerous or violent crimes under § 501(c)(2) of the Act (D.C. Official Code § 42-3505.01(c)(2)), including the specific crime alleged to have occurred, certification that options to preserve non-offending occupants’ housing were considered, and notice of available defenses. The proposed rules also add a requirement to give tenants notice of the right against self-incrimination, since evictions under paragraph (c)(2) specifically involve criminal acts and could proceed to a hearing faster than a criminal case yet do not confer the right to counsel like a criminal case. Because a tenant’s choice of

whether and how to defend an eviction case could have significant implications for criminal liability, the Commission believes that notice of those implications is an essential matter of fairness and limits the risk that a criminal prosecution could be tainted by compelled testimony.

All persons desiring to comment on these proposed regulations should submit comments in writing to:

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Or, via email to: daniel.mayer@dc.gov.

Prospective commenters are strongly encouraged to submit comments via email. Persons with questions concerning this notice of proposed rulemaking should call (202) 442-8949. To be considered, all comments must be received or postmarked no later than Monday, May 4, 2026. Copies of the proposed rules may be obtained at the address above and online at <https://rhc.dc.gov/page/rental-housing-act-and-regulations>.

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

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

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

Subsection 4300.6 is amended to read as follows:

4300.6 A housing provider shall not file an action in court to evict a tenant for nonpayment of rent until at least ten (10) days after the date of service of a Notice of Intent to File a Claim that complies with § 4300.7, counted from the date notice is delivered or posted in accordance with § 4300.28(b).

Subsection 4300.7(c) is amended to read as follows:

- (c) That the housing provider may file a case in court to evict the tenant ten (10) days after the service of the notice if the balance of unpaid rent remains \$600 or more;

Subsection 4300.11 is amended to read as follows:

4300.11 A housing provider shall not serve a notice pursuant to § 501(c)(1) of the Act (D.C. Official Code § 42-3505.01(c)(1)) (illegal act within premises) until a court of competent jurisdiction has made a final determination that a tenant has performed

an illegal act within the rental unit or housing accommodation occupied by the tenant, no appeal is pending, and the time for appeal has expired.

Existing subsections 4300.12 through 4300.26 are renumbered as subsections 4300.13 through 4300.27.

A new subsection 4300.12 is added to read as follows:

4300.12 A housing provider shall not serve a notice pursuant to § 501(c)(2) of the Act (D.C. Official Code § 42-3505.01(c)(2)) (dangerous or violent crime within premises) until the housing provider has considered in good faith all reasonable available means to preserve the housing of non-offending occupants, such as barring the offending individual from the property or assessing whether the lease can be transferred to an eligible occupant.

The lead-in language of subsection 4300.26 is amended to read as follows:

4300.26 For the purposes of §§ 4301 and 4302, service of a required notice upon any person (other than the Rent Administrator) shall be completed:

A new subsection 4300.28 is added to read as follows:

4300.28 For the purposes of a Notice of Intent to File a Claim under this section, service upon any person (other than the Rent Administrator) shall be completed both:

- (a) By certified mail or delivery service providing delivery tracking confirmation, return receipt request, sent within three (3) calendar days of service under paragraph (b); and
- (b) By either:
 - (1) Hand delivery to the rental unit; or
 - (2) By posting on the front door of the rental unit and capturing timestamped, photographic evidence of the posting for the housing provider's records.

Section 4302, NOTICES TO VACATE FOR OTHER REASONS, is amended as follows:

Subsection 4302.2 is amended to read as follows:

4302.2 A housing provider shall not file an action in court to evict a tenant until the expiration of the following time periods, counted from the date of service of a Notice to Vacate:

- (a) If the Notice to Vacate is served pursuant to § 501(c)(1) of the Act (D.C. Official Code § 42-3505.01(c)(1)) (illegal act within premises), no less than thirty (30) days;

- (b) If the Notice to Vacate is served pursuant to § 501(c)(2) of the Act (D.C. Official Code § 42-3505.01(c)(2)) (dangerous or violent crime within premises), no less than ten (10) days;
- (c) If the Notice to Vacate is served pursuant to § 501(d) of the Act (D.C. Official Code § 42-3505.01(d)) (housing provider's personal use and occupancy), no less than ninety (90) days;
- (d) If the Notice to Vacate is served pursuant to § 501(e) of the Act (D.C. Official Code § 42-3505.01(e)) (contract purchaser's personal use and occupancy), no less than ninety (90) days;
- (e) If the Notice to Vacate is served pursuant to an approved application under § 501(f) of the Act (D.C. Official Code § 42-3505.01(f) (unsafe alterations or renovations), no less than one hundred twenty (120) days before the date set forth in the timetable approved by the Rent Administrator;
- (f) If the Notice to Vacate is served pursuant to § 501(g) of the Act (D.C. Official Code § 42-3505.01(g)) (demolition), no less than one hundred eighty (180) days;
- (g) If the Notice to Vacate is served pursuant to an approved application under § 501(h) of the Act (D.C. Official Code § 42-3505.01(h)) and § 4212 of this title (substantial rehabilitation), no less than one hundred twenty (120) days; provided, that the expiration of this time shall be no earlier than the time set forth in the timetable approved by the Office of Administrative Hearings; or
- (h) If the Notice to Vacate is served pursuant to § 501(i) of the Act (D.C. Official Code § 42-3505.01(i)) (discontinuance of use), no less than one hundred eighty (180) days.

The lead-in language of subsection 4302.3 is amended to read as follows:

4302.3 If a Notice to Vacate is served pursuant to § 501(c)(1) of the Act (D.C. Official Code § 42-3505.01(c)(1)) (illegal act within premises), it shall also contain the following:

Existing subsections 4302.4 through 4302.8 are renumbered as 4302.5 through 4302.9.

A new subsection 4302.4 is added to read as follows:

4302.4 If a Notice to Vacate is served pursuant to § 501(c)(2) of the Act (D.C. Official Code § 42-3505.01(c)(2)) (dangerous or violent crime within premises), it shall also contain the following:

- (a) The dangerous crime, as defined in D.C. Official Code § 23-1331(3), or the crime of violence, as defined in D.C. Official Code § 23-1331(4), that the housing provider alleges occurred;
- (b) Certification that the housing provider has considered in good faith whether there are means to preserve the housing of any non-offending occupants and found no means reasonably available;
- (c) Statements that:
 - (1) The tenant may not have to vacate the unit if the illegal act set forth pursuant to § 4302.1(a) is related to a criminal offense committed or threatened against the tenant or the minor child that is an intrafamily offense by D.C. Official Code § 16-1001(8), which may include violence by a partner, relative, roommate, or other person with a close relationship to the victim; and
 - (2) The D.C. Office of Human Rights may be able to assist a tenant described in subparagraph (1) and shall include contact information for that agency;
- (d) Notice that the tenant may defend against the eviction at a hearing in court but has the right to remain silent and that any statements made in defense against the eviction may be used against the tenant in a criminal case; and
- (e) Statements that the tenant shall not be evicted if the court finds that:
 - (1) The tenant or person occupying the rental unit with or in addition to the tenant did not commit the alleged act;
 - (2) The alleged crime was committed in self-defense or defense of another;
 - (3) The tenant did not know or did not have reason to know that criminal activity was occurring or would likely occur on the premises;
 - (4) The tenant took reasonable steps to prevent the commission of violent criminal activity, such as requesting the housing provider remove the offending household member's name from the lease, reporting prior criminal activity to the police, seeking assistance from social services or counseling agencies, or denying permission, if feasible, for the offending household member to reside in the dwelling unit; or
 - (5) The tenant was a victim or intended victim of the criminal activity.