

**Subject:** RE: Rental Housing Commission rulemaking: technical fixes and updates  
**Date:** Thursday, October 20, 2022 at 12:21:51 PM Eastern Daylight Time  
**From:** john@rentcontrolconsultants.com  
**To:** 'Mayer, Daniel (RHC)'  
**CC:** 'Gene Santomartino'  
**Attachments:** image003.png, image001.jpg, image002.jpg

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Dan –

**Disclosure.** There are currently three 'disclosure forms' – the Housing Provider's Disclosures to Applicant or Tenant (RAD Form 3), the Rent History Disclosure (RAD Form 4) and the Notice of Access to Records (RAD Form 5). Only two of them have the word 'disclosure' in their titles.

The naming and numbering of the RAD forms may be beyond your scope of responsibility. If so, it makes sense that you would prepare the regulations in a way that is independent of the forms prepared by RAD and their titles. Unfortunately, that independence makes the regulations difficult to understand. For example, Section 4111.6 refers to a "disclosure form" identified by a section number, § 4111.5(a), which refers to § 4111.3, which refers to § 4111.2, which we interpret as three forms, RAD Forms 3, 4 and 5.

Section 4111.6 further says that in filing the form(s) identified in the section "only the rent history portion of the disclosure form" shall be included, which we interpret as RAD Form 4, and that neither Forms 3 and 5 nor any of the attachments (Tenant Bill of Rights, Voter Registration Packet) need be filed with RAD.

For someone not conversant with the regulations, that's not easy to understand.

We have no specific text suggestion but we urge you identify or define the three forms in a way that simplifies the use of the regulations. Perhaps you could work with Lauren to adopt a common convention in referring to and naming the RAD forms.

**Rent.** At one point either you or Lauren gave me the formula, Rent Charged + Rent Surcharge = Rent. If that's correct, it would be helpful to explicitly incorporate that relationship in the regulations.



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**From:** Mayer, Daniel (RHC) <[daniel.mayer@dc.gov](mailto:daniel.mayer@dc.gov)>  
**Sent:** Wednesday, October 12, 2022 3:12 PM  
**To:** undisclosed-recipients:  
**Subject:** Rental Housing Commission rulemaking: technical fixes and updates

Good afternoon:

I'm writing to interested stakeholders to let you know that the Rental Housing Commission will be issuing an emergency and proposed rulemaking this Thursday, October 13, going into effect immediately for up to 120 days, with a 30-day comment period regarding whether the rules should become permanent. Please find attached both a final and "redline" copy of the notice that will be published in the *DC Register* and posted on <https://rhc.dc.gov> as soon as possible.

The attached changes are mostly technical and procedural fixes to last year's omnibus rulemaking. These are intended to clear up several points of confusion, conflict, or redundancy, especially with changes that are required to the RAD forms. Because there has been some delay in getting forms updated and several requirements in the new rules were unclear, this emergency rulemaking excuses housing providers who used an outdated version of an RAD form or the form required information inconsistent with the rules.

The Commission looks forward to hearing from your organizations, members, and partners regarding any issues with these proposed rules or other, similar amendments that may be necessary. Please submit any written comments by November 21, 2022.

Let me know if you have any questions I can answer. The Commission also plans to issue another proposed rulemaking related to the eviction and tenant screening amendments that were recently enacted, so I will be in touch again soon.

Thank you,

**Daniel Mayer, General Counsel**  
D.C. Rental Housing Commission

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