

D. C. LAW

1-122

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 19, 1977

To amend the District of Columbia Rental Accommodation Act of 1975.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,  
That this act may be cited as the "Rental Accommodations Act Amendments of 1976".

Sec. 2. The District of Columbia Rental Accommodations Act of 1975, D. C. Law 1-33, is amended as follows:

(a) Subsection (d) of section 101 of such act is amended -

- (1) by striking "two are" and inserting in lieu thereof "one is";
- (2) by striking "landlords" and inserting in lieu thereof "a landlord"; and
- (3) by striking "tenants" and inserting in lieu thereof "a tenant".

(b) Paragraph (2) of subsection (a) of section 102 of such act is amended to read as follows:

"(2) decide appeals brought to it from decisions of the Rent Administrator."

(c) Sections 102(c) and 102(d) of such act are amended to read as follows:

"(c) (1) The Commission and/or the Rent Administrator shall have the power to hold such hearings, sit and act at such times and places within the District of Columbia, administer such oaths, and require by subpoena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as the Commission or the Rent Administrator may deem advisable in carrying out its/his functions under this act.

"(2) In the case of contumacy or refusal to obey a subpoena issued under this subsection 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 request of the Commission or the Rent Administrator, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or the Rent Administrator, there to produce evidence if so ordered, or there to give testimony touching upon the matter under inquiry. Any failure of such person to obey any order of the Superior Court may be punished by the Superior Court as contempt thereof.

"(d) Upon the request of the Chairperson or the Rent Administrator, as the case may be, such department or entity of the District of Columbia government is authorized to furnish directly to the Commission or the Rent Administrator assistance or information as may be necessary for the Commission and/or the Rent Administrator to effectively carry out this act."

(d) Section 103(b) of such act is amended by inserting "an attorney-at-law and/or other person who possesses experience of a technical or professional nature in landlord-tenant affairs or in a field directly related thereto, shall be" after the first instance of "shall be".

(e) Section 202(a) of such act is amended to read as follows:

"Sec. 202(a). Sections 202(b) through 212 of this act 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 subsidized;

"(2) any rental unit in a housing accommodation for which the initial certificate of occupancy was issued after February 2, 1973, but

such exception shall be effective only during the length of the initial leasing period or for the first year of tenancy, whichever is shorter;

"(3) any rental unit in a housing accommodation containing no more than 4 rental units; PROVIDED, That

"(A) such housing accommodation is owned by not more than 4 natural persons,

"(B) none of such owners has any 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 their 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 30 days of such change; and

"(D) The claim of exemption statement required by section 202(a)(3)(c) of this act shall also be filed within 30 days of the effective date of this act by all owners of housing accommodations of no more than four rental units exempted from sections 202(b) through 212 of the Rental Accommodations Act by D. C. Act No. 1-148 who were the owners of such property on July 1, 1976.

"(4) any rental unit which has been continuously vacant and not subject to a rental agreement for a period of at least 6 months since November 1, 1975; PROVIDED, That such rental unit became vacant on or before August 12, 1976 (the effective date of the Emergency Rental Accommodations Act Amendments of 1976; D. C. Act No. 1-148) and PROVIDED, Further, that such rental unit is in substantial compliance with the housing regulations of the District of Columbia before the expiration of this act; and

"(5) any rental unit in any newly constructed housing accommodation for which the building permit was issued on or after January 1, 1976, 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.

"PROVIDED, That no part of this act shall apply to:

"(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; or

"(2) any dormitory of an institution of higher education, or a private boarding school, in which rooms are provided for students."

(f) Section 202(b) of such act is amended by striking "(Whether subject to sections 203-212 of this act or not)" and inserting the following after "each landlord" in line 2 of the subsection: "of a housing accommodation not exempted from the coverage of this subsection by subsection (a) of this section".

(g) Section 202(c) of such act is amended to read as follows:

"(c) After filing the initial registration statement required by this act, each landlord required

to file an initial registration statement shall file an amended registration statement upon the occurrence of any event which changes or substantially affects the rent (except for adjustments pursuant to section 208 of this act) or the ownership or management of any rental unit in a registered housing accommodation."

(h) Section 204(h) of such act is amended by (1) striking "audit" wherever it appears and inserting in lieu thereof "review", by (2) changing "an" to "a" where appropriate and (3) by amending paragraph (5) of such subsection to read as follows:

"(5) For the purposes of this subsection, the term 'review' shall mean an examination of the expenses and income contained in the registration statement of the building in question. The review shall consist of an official examination and verification of the accounts and records pertaining to the property or premises. The Administrator may require the landlord to produce relevant ledgers, journals, cancelled checks, bank statements, receipts and such other information as may be required to review the registration statement including but not limited to, copies of relevant portions of income tax returns relating to the particular housing accommodation that have been filed

with the Federal or District Government in the past 3 years."

(i) Section 212(a) of such act, page 33, line 10 is amended by (1) inserting "or the Commission" before "may require", (2) placing a period (.) after "require" and (3) striking the remainder of the sentence.

(j) Section 213(a) of such act is amended to read as follows:

"(a) No tenant shall be evicted from a rental unit for any reason other than for non-payment of rent unless he has been served with a written notice to vacate which meets the requirements set forth in paragraph (3) of section 213(c) of this act and such notice has been served upon the Rent Administrator."

(k) Section 213(b) (5) of such act is amended to read as follows:

"(5) the landlord seeks in good faith to recover possession of the rental unit:

"(A) for the immediate purpose of making alterations or renovations of the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied so long as the plans for such alterations have been filed and certified



by the Rent Administrator as evincing that the proposed alterations or renovations cannot safely or reasonably be accomplished while the unit is occupied; or

"(B) for the immediate purpose of demolishing the housing accommodation in which such rental unit is located and replacing it with new construction and a copy of the permit for such new construction has been filed with the Rent Administrator."

(1) Section 213(c) of such act is amended by adding at the end thereof a new paragraph (3) which shall read as follows:

"(3) The notice required by section 213(a) of this act shall contain a statement detailing the reasons 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 office and the registration number as provided by section 202(e)."

(m) Section 203 of this act is amended as follows:

(1) Strike the section title "Registration Fee" and insert in lieu thereof "Annual Fee"; and

(2) Strike the provisions of section 203 and insert in lieu thereof the following:

"Sec. 203. Each landlord of a housing accommodation covered by this part shall pay a fee of \$2.00 for each rental unit in a housing accommodation registered by the landlord. Such fee shall be paid annually to the Mayor at the time the landlord applies for his/her business license or a renewal thereof. In the case of a housing accommodation for which no such license is required, the fee shall be paid to the Mayor at the time the landlord files the initial registration statement and every 12 months thereafter from the date of such initial registration. Such fees shall be paid from time to time into such depositories of the District of Columbia Government established for such purposes and credited to the General Fund of the District of Columbia."

(n) Section 204(d) is amended by striking "paragraphs (3) and (6) of subsection (2) of section 202 from the provisions of Section 203-212" and inserting in lieu thereof the following:

"section 202(a) (2) from the provisions of sections 202(b) through 212".

(o) Section 104 of the act is amended by:

(1) deleting the last sentence of subsection (b);

and

(2) inserting a new subsection (c) immediately  
following section 104(b) which shall read as follows:

(c) The Rent Administrator shall hear and review  
any complaint arising from a landlord's claim  
to an exemption from sections 202(b) through  
212 of this act, and shall determine the  
validity of such claim".

. This act shall become effective as provided  
if the Council of the District of Columbia in  
2(c) of the District of Columbia Self-Government  
Mental Reorganization Act.

Bill Docket Bill No. 1-272

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Vote \_\_\_\_\_

### RECORD OF COUNCIL VOTE

Y	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
			HOBSON					SPAULDING				
			MOORE, D.					WILSON				
			MOORE, L.					WINTER				
			ROLARK									
			SHACKLETON									
Y—Indicates Vote    A. B.—Absent    N. V.—Not Voting												

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(Secretary of the Council)

\_\_\_\_\_  
(Secretary of the Council)

\_\_\_\_\_  
(President of the U. S.)

JAN 26 1977

*Robert A. Williams*

\_\_\_\_\_  
(Secretary of the Council)

House Action \_\_\_\_\_  
Resolution Number \_\_\_\_\_

\_\_\_\_\_  
(of the Senate)

\_\_\_\_\_  
(Clerk of the House)

\_\_\_\_\_  
Congressional action

\_\_\_\_\_  
(of the Council)