

**4205 IMPLEMENTATION AND NOTICE OF RENT ADJUSTMENTS**

- 4205.1 If at any time the rent charged to a tenant for a rental unit covered by the Rent Stabilization Program exceeds the lawful rent for the rental unit, or if a rent rollback is ordered by the Rent Administrator, Office of Administrative Hearings, the Commission, or a court, the housing provider shall reduce the amount of rent charged to an amount equal to, or less than, the lawful rent by providing a written notice to the tenant before the next date on which rent is due.
- 4205.2 The rent for a rental unit shall not be increased prior to the legal authorization for a rent adjustment becoming effective.
- 4205.3 The rent for a rental unit shall not be increased if the legal authorization for a particular rent adjustment has expired, as provided by § 4204.9.
- 4205.4 A housing provider shall increase the rent for a rental unit, except when implementing a vacancy adjustment under § 4207, only by taking the following actions:
- (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 form published by the Rent Administrator, in which the following items shall be included:
    - (1) The type of the adjustment as provided by the Rent Stabilization Program and, as applicable, either:
      - (A) The effective date of the adjustment of general applicability, as published by the Commission; or
      - (B) If prior administrative approval is required, the date on which it was obtained and the case number of the administrative proceeding;
    - (2) The prior rent charged for the rental unit, the dollar amount of the rent adjustment and percentage change from the prior rent charged, and the new, total rent, inclusive of any rent surcharges;
    - (3) The definition of the term “rent charged;”
    - (4) The date on which the new rent shall be due;
    - (5) The dollar amount of any other rent surcharge currently applied to the rental unit or from which the current tenant is exempt pursuant

## District of Columbia Municipal Regulations

to § 224(b) or (i) of the Act (D.C. Official Code §§ 42-3502.24(b) or (i)); and

(6) Notice of:

- (A) The maximum percentage increase in rent charged that may be used to calculate a rent adjustment of general applicability in the current year for an elderly tenant or a tenant with a disability (“protected tenant”) in accordance with § 4206.7, which shall be set forth in bold, twelve (12)-point font;
  - (B) The other benefits and protections that apply to protected tenants; and
  - (C) The standards 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.
- (b) The housing provider shall certify to the tenant, with the notice of rent adjustment, that the rental unit and the common elements of the housing accommodations are in substantial compliance with the Housing Regulations or, if not in substantial compliance, that any noncompliance is the result of tenant neglect or misconduct;
- (c) The housing provider shall advise the tenant with the notice of rent adjustment of the location and availability for inspection of the documents required to be maintained by § 222(b) of the Act (D.C. Official Code § 42-3502.22(b)) and § 4111 of this title; and
- (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, and shall certify that the notice was served on the tenant by listing the names of persons served, unit numbers, date, and type of service provided for each affected rental unit in the housing accommodation.

4205.5 Notwithstanding any authorization for a rent adjustment under the Rent Stabilization Program, a housing provider shall not increase the rent for a rental unit unless all of the following conditions are met:

## District of Columbia Municipal Regulations

- (a) The rental unit and the common elements of the housing accommodation are in substantial compliance with the Housing Regulations, or any substantial noncompliance is the result of tenant neglect or misconduct;
- (b) The housing provider has met the registration requirements of Chapter 41 of this title with respect to the housing accommodation and rental unit; and
- (c) At least twelve (12) months shall have elapsed since the effective date of any prior rent increase, in accordance with § 4205.7 and except as provided by § 4205.8.

4205.6 The effective date of a rent adjustment shall be:

- (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 served on the tenant; or
- (b) If the rental unit is vacant when the rent adjustment first becomes authorized:
  - (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 Rent Adjustment within thirty (30) days of the vacancy occurring, in accordance with § 4207.4; or
  - (2) For any other authorized rent adjustment, at the election of the housing provider, either:
    - (A) The date the first new tenancy commences for the rental unit after the rent adjustment first becomes authorized; provided, that the date is more than twelve (12) months after the effective date of any prior rent increase for the rental unit; or
    - (B) If a new tenancy has commenced, the date on which the new rent is due after notice of the rent adjustment is given to the tenant; provided, that the date is within twelve (12) months of the date the rent adjustment first becomes authorized, in accordance with § 4204.9.

4205.7 A housing provider shall not increase the rent for a rental unit if the rent was increased for any reason during the immediately preceding twelve (12) months, except as provided for a vacancy adjustment under § 4205.8.

4205.8 A housing provider may implement a vacancy adjustment pursuant to § 4207 less than twelve (12) months after the effective date of another rent increase unless the

## District of Columbia Municipal Regulations

prior rent increase was pursuant to another vacancy adjustment, or pursuant to an approved or pending hardship petition under to § 4209.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1388-89 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2665 (May 2, 1986); Notice of Final Rulemaking published at 35 DCR 2941 (April 22, 1988); and Notice of Final Rulemaking published at 45 DCR 684, 688 (February 6, 1998); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021); as amended by Final Rulemaking published at 70 DCR 001710 (February 3, 2023).