

**4305            TERMINATION OF LEASE BY VICTIM OF INTRAFAMILY  
OFFENSE**

4305.1           Pursuant to § 507 of the Act (D.C. Official Code § 42-3505.07), a housing provider shall release a tenant from the obligations of the tenant's lease or rental agreement if the tenant gives written notice, in any form, to the housing provider that the tenant is a victim or the parent or guardian of a victim of an intrafamily offense or actions related to an intrafamily offense.

4305.2           Written notice to a housing provider of the termination of a lease or rental agreement in accordance with § 4305.1 shall be accompanied by either:

- (a)           A copy of a protection order issued by a court pursuant to D.C. Official Code § 16-1005; or
- (b)           Signed documentation by a qualified third party, showing that the tenant reported the intrafamily offense to the qualified third party in his or her official capacity.

4305.3           The release of a tenant from a lease or rental agreement as required by § 4305.1 shall be effective upon the earlier of:

- (a)           Fourteen (14) days from the receipt of the written notice and documentation described in § 4305.2; or
- (b)           The commencement of a new tenancy for the tenant's rental unit.

4305.4           A housing provider shall not demand or receive, and a tenant shall not be liable for:

- (a)           Any amount of rent in excess of the rent due under the lease or rental agreement, pro-rated to the effective date of the release in accordance with § 4305.3; or
- (b)           Any penalty provided by the lease or rental agreement.

4305.5           A housing provider shall be deemed to have demanded rent in violation of § 4305.4(a) if the housing provider:

- (a)           Communicates at any time to the tenant that the housing provider will not release the tenant from the rental agreement as required by § 4305.1; or
- (b)           Does not respond to the written notice of the lease termination as described in § 4305.2 within the time provided by § 4305.3(a).

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- 4305.6 A communication under § 4305.5(a) shall be deemed to be an unlawful demand for the entire, outstanding amount of rent due for the duration of the lease or rental agreement; provided, that a housing provider may mitigate the damages arising from the demand by proving, in a proceeding under § 4305.8, that the tenant has been released from the rental agreement prior to its expiration.
- 4305.7 The release of a tenant from a lease or rental agreement as required by § 4305.1 shall not relieve the tenant of liability for any amount of unpaid rent or other sums owed to the housing provider that became due before the effective date of the release as provided by § 4305.3.
- 4305.8 A tenant may file a tenant petition in accordance with § 4214.9 to contest the demand for or receipt of rent in violation of § 4305.4 and may obtain a rent refund based on the amount by which the rent demanded or received by the housing provider exceeded the amount permitted by § 4305.7, whether or not the rental unit is covered by the Rent Stabilization Program. A prevailing party on a petition may be awarded attorney's fees in accordance with § 3825.
- 4305.9 A housing provider shall have the burden of proof in any proceeding under § 4305.8 as to the amount of rent or other sums owed, if any, by a tenant under § 4305.7.
- 4305.10 Nothing in this section shall affect the regulation of security deposits as provided by §§ 308-311 of this title.

SOURCE: Final Rulemaking published at 68 DCR 012634 (December 3, 2021).