

**4211 PETITIONS FOR CHANGES IN RELATED SERVICES OR FACILITIES**

- 4211.1 A housing provider who has changed or proposes to change any related service or facility provided to a rental unit or housing accommodation may petition the Rent Administrator for a rent adjustment under § 211 of the Act (D.C. Official Code § 42-3502.11) (“services or facilities petition”) to reflect the monthly value of the change.
- 4211.2 No mandatory fee shall be charged for any service or facility without approval under this section, and any service or facility for which a mandatory fee is charged shall be deemed a related service or facility and shall not be reduced or eliminated without approval under this section.
- 4211.3 A housing provider may add or increase related services or facilities at any time without a rent increase for any rental unit without waiving the right to file a corresponding services or facilities petition for a rent adjustment at a later date, and may reduce or eliminate the service or facility if no corresponding rent increase has been implemented; provided, that if a related service or facility has been provided for three (3) or more years without a corresponding petition for a rent adjustment, the service or facility shall be deemed to be included in the rent.
- 4211.4 A housing provider shall not eliminate or substantially reduce related services or facilities provided without prior approval of a services or facilities petition or reduce or eliminate a related service or facility that is required by law, including by the Housing Regulations. If related services or facilities decrease by accident, inadvertence, or neglect by a housing provider and are not promptly restored, the housing provider shall promptly reduce the rent for an affected rental unit by an amount that reflects the monthly value of the change in related services or facilities, until the service or facility is restored or a services or facilities petition authorized the reduction.
- 4211.5 A tenant may file a petition, in accordance with § 4214, if a housing provider fails to comply with § and does not promptly restore the related service or facility to the previous level or implement a corresponding reduction in the rent charged. The tenant may be awarded a rent refund, or rent rollback if the violation is ongoing, if the tenant proves:
- (a) That the reduction or elimination of the related service or facility was substantial, which includes substantial violations of the Housing Regulations provided in § 4216.2;
  - (b) The dates on which the related service or facility was first reduced or eliminated and the duration of the reduction or elimination; and

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- (c) The date on which the housing provider had actual or constructive notice of or knowingly caused the reduction or elimination of the related service or facility.

4211.6 A housing provider shall file a services or facilities petition on a form approved by the Rent Administrator (“Services or Facilities Form”), which shall include the following information:

- (a) The address of the housing accommodation;
- (b) The housing provider’s registration number;
- (c) A brief description of the changes in related services or facilities;
- (d) An estimate of the monthly value of any increase in related services or facilities;
- (e) An estimate of the monthly value to the tenants of any decrease in related services or facilities;
- (f) A statement giving the reason for changing the related services or facilities;
- (g) The rent charged for each affected rental unit at the time the petition is filed; and
- (h) The proposed rents for each affected rental unit that would reflect the change in the related services or facilities.

4211.7 A services or facilities petition shall be approved only if:

- (a) The change does not adversely affect the health, safety, and security of the tenants;
- (b) The change does not directly result in a substantial violation of the Housing Regulations;
- (c) The change is not required by law or intended to correct an ongoing or recurring violation of the Housing Regulations or other legal requirement;
- (d) The change is not a retaliatory action, as defined in § 502 of the Act (D.C. Official Code § 42-3505.02) and § 4303 of this title;
- (e) The change is not intended to cause displacement of tenants from the housing accommodation; and

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- (f) The proposed rent adjustment fairly and reasonably reflects the monthly value of the change in related services or facilities.

4211.8 The monthly value of changes in related services or facilities shall be determined as an adjustment to the rent charged for a rental unit in consideration of the following:

- (a) The probable cost to a tenant of obtaining alternate services or facilities comparable to those increased or reduced by the housing provider;
- (b) The actual or foreseeable operating cost to the housing provider of the related services or facilities proposed to be changed; or
- (c) The fair market value of comparable related services or facilities.

4211.9 The monthly value of changes in related services or facilities shall not include or reflect the cost to the housing provider to make any related capital improvements, whether or not the housing provider could or does file a petition pursuant to § 4210 to recover those costs.

4211.10 After determining, in accordance with § 4208.5, that a services or facilities petition has been properly filed, the Rent Administrator shall transmit the petition to the Office of Administrative Hearings within ten (10) business days.

4211.11 A tenant or tenant association that appears pursuant to § 4208.11 may contest whether the services or facilities petition should be approved or denied, in whole or in part, based on the following issues:

- (a) Whether the petition must be denied for any reason provided in § ;
- (b) Whether the proposed monthly value of the change is fair or reasonable based on the factors provided in § ;
- (c) Whether the housing accommodation is properly registered and the housing provider has all required business licenses;
- (d) Whether, pursuant to § 4216.4, substantial violations of the Housing Regulations existed on the date the services or facilities petition was filed and have not been abated at the time of a hearing on the services or facilities petition;
- (e) Whether the services or facilities petition was filed as a retaliatory action prohibited by § 502 of the Act (D.C. Official Code § 42-3505.02) and § 4303 of this title; or

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- (f) Any other violation of § 211 of the Act (D.C. Official Code § 42-3502.11) or this section.

- 4211.12 Any rent increase that is authorized by a final order approving a services or facilities petition shall be implemented in accordance with § 4205 within twelve (12) months of the date on which the order becomes final, including the exhaustion of any rights of appeal, but no earlier than twelve (12) months following any prior rent increase for that rental unit; provided, that the change in related services or facilities shall be implemented prior to the rent increase. Failure to implement the increase within twelve (12) months will result in forfeiture of the authorization in accordance with § 4204.9(e).
- 4211.13 A reduction or elimination of related services or facilities that is authorized by a final order approving a services or facilities petition may be implemented at any time after its approval; provided, that if the final order provides for a corresponding reduction in the rent charged for an affected rental unit, the rent reduction shall be implemented prior to the change in related services or facilities.
- 4211.14 Within thirty (30) days following the date an order approving a services or facilities petition becomes final, the housing provider shall file an amendment to the Registration/Claim of Exemption Form in accordance with § 4103.1(c).

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1401 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2668 (May 2, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).