

4108 COOPERATIVE EXEMPTION

- 4108.1 A rental unit may be exempt from the Rent Stabilization Program under § 205(a)(5) of the Act (D.C. Official Code § 42-3502.05(a)(5)) (the cooperative exemption) if:
- (a) The building, structure, or housing accommodation of which the rental unit is a part is owned by a cooperative housing association (“co-op building”); and
 - (b) The housing provider claims this exemption by filing a Registration/Claim of Exemption Form claiming the small landlord exemption in accordance with § 4107; provided, that this section shall apply to each listed unit on the Form that is part of a co-op building.
- 4108.2 A unit in a co-op building exclusively offered for lease or occupancy to shareholders or members in a cooperative housing association (“exclusive unit”) does not need to be registered by the association as a rental unit under this chapter.
- 4108.3 A rental unit in a co-op building shall not be exempt under this section if it is a non-exclusive unit, in which case the rental unit shall be registered by the association in accordance with this chapter, on a Registration/Claim of Exemption Form listing all non-exclusive units in the co-op building as part of one (1) housing accommodation.
- 4108.4 A shareholder’s or member’s stock ownership or membership in a cooperative housing association shall not constitute an interest in any other rental unit in the co-op building as to which the owner or member does not have a proprietary lease or occupancy agreement; provided, that if a co-op building includes any non-exclusive units, each shareholder or member shall be deemed to have an interest in each non-exclusive unit for the purposes of § 4107.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1383-84 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).