

4200 GENERAL OVERVIEW

- 4200.1 This chapter implements the Rent Stabilization Program, established by Title II of the Rental Housing Act of 1985 (“Act”), by regulating rent adjustments for covered rental units. The Rent Stabilization Program restricts when rent may be increased and the amount by which it may be increased at any one time. A housing provider may decrease rent at any time, or a rent decrease may be required by the Rent Stabilization Program. Notice of any rent adjustment must be filed with the Rental Accommodations Division.
- 4200.2 Prior to August 5, 2006, the Rent Stabilization Program regulated rents primarily by establishing a “rent ceiling” for each covered rental unit and further by limiting increases in the rent charged. Pursuant to the Rent Control Reform Amendment Act of 2006 (D.C. Law 16-145; 53 DCR 6688 (June 23, 2006)), rent ceilings are abolished, except that:
- (a) A housing provider may increase the rent for a rental unit by implementing any previously unused adjustment to the rent ceiling of the unit pursuant to a petition or voluntary agreement that was approved by the Rent Administrator prior to, or for which approval was pending on, August 5, 2006; and
 - (b) Any petition or voluntary agreement for which approval remains pending in any proceeding under the Act shall be decided in accordance with the provisions of the Act and this chapter in effect at the time the proceeding was initiated.
- 4200.3 The Rent Stabilization Program covers all rental units in the District of Columbia except those rental units that are:
- (a) Exempt from the Rent Stabilization Program by § 205(a) of the Act (D.C. Official Code § 42-3502.05(a)) and § 4106 of this title; or
 - (b) Excluded from the scope of the Act by § 205(e) of the Act (D.C. Official Code § 42-3502.05(e)) and § 4105 of this title.
- 4200.4 The initial maximum, lawful rent for each rental unit covered by the Rent Stabilization Program shall be the amount established in accordance with §§ 4201, 4202, or 4203, as applicable.
- 4200.5 The rent charged to a tenant for a covered rental unit shall be filed by the housing provider with the Rental Accommodations Division, and the amount of rent charged on file shall be updated in accordance with § 4204 following any rent adjustment, including when the amount of rent charged is reduced.

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- 4200.6 As provided in § 4205, the rent for a covered rental unit may be increased no more than once every twelve (12) months, except in the case of a vacancy adjustment, and may be increased at any given time by no more than the amount allowed by one (1) authorized basis for rent adjustment provided by the Rent Stabilization Program.
- 4200.7 The Rent Stabilization Program authorizes the following bases for rent adjustments, which are described in detail in the corresponding sections of this chapter:
- (a) For rent adjustments that do not require prior administrative approval:
 - (1) The annual adjustment of general applicability published by the Commission, based on the consumer price index or Social Security COLA, in § 4206; and
 - (2) An adjustment upon a vacancy in a rental unit, in § 4207; and
 - (b) For rent adjustments that require prior administrative approval by petition or application:
 - (1) Rent surcharges based on claims of hardship, in § 4209;
 - (2) Rent surcharges based on the cost of capital improvements, in § 4210;
 - (3) Rent adjustments based on changes in related services or facilities, in § 4211;
 - (4) Rent surcharges based on substantial rehabilitations, in § 4212; and
 - (5) Rent adjustments based on voluntary agreements, in § 4213.
- 4200.8 Each affected tenant shall be notified of and have an opportunity to contest a pending petition or application for approval of a rent adjustment of the types listed in § 4200.7(b), in accordance with § 4208 and the applicable section of this chapter for the type of adjustment requested.
- 4200.9 A petition or application for a rent adjustment of the types listed in § 4200.7(b) may be contested on the grounds that an affected rental unit or housing accommodation is not in substantial compliance with the Housing Regulations, as provided in § 4216, and shall not be approved unless the non-compliance has been abated at the time of an evidentiary hearing on the petition, except that a substantial rehabilitation surcharge may be approved if it will abate all substantial violations.

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- 4200.10 The rent for a rental unit shall not be increased based on an otherwise-authorized rent adjustment, including a substantial rehabilitation surcharge, if the unit or the housing accommodation of which it is a part is not in substantial compliance with the Housing Regulations, as provided in § 4216, on the effective date of the rent increase.
- 4200.11 Notice of all rent increases shall be served on the affected tenant and filed with the Rent Administrator, in accordance with § 4205.
- 4200.12 Authorization for a rent adjustment shall be valid as follows:
- (a) Except for vacancy adjustments, authorization shall expire twelve (12) months after either the published effective date of the annual adjustment of general applicability or the date an order of the Rent Administrator or Office of Administrative Hearings approving the adjustment becomes final, as applicable;
 - (b) A vacancy adjustment shall be implemented only at the time a new tenancy begins after a vacancy occurs, in accordance with § 4207.4;
 - (c) Failure to implement a rent adjustment within the time allowed shall result in the forfeiture of the authorization for the rent adjustment, in accordance with § 4204.9; and
 - (d) The prohibition on implementation of multiple rent adjustments within a twelve (12) month period, as provided by § 4200.6, shall not excuse the failure, or extend the allowable time, to implement a rent adjustment.
- 4200.13 A tenant may contest any rent adjustment for his or her rental unit, or an unauthorized reduction or elimination of related services or facilities, by filing a petition with the Rent Administrator within three (3) years of the effective date of the rent increase or the reduction or elimination of related services or facilities, in accordance with § 4214.
- 4200.14 If a tenant prevails in a petition filed under § 4214, the tenant may be awarded a refund of rent demanded or received by the housing provider in excess of the lawful rent for the rental unit, and the housing provider may be ordered to reduce the rent going forward (a rent rollback), in accordance with § 4217.
- 4200.15 When a petition or application before the Rent Administrator requires an evidentiary hearing on the record as provided by this chapter, jurisdiction over the matter shall be transferred to the Office of Administrative Hearings. An appeal from a final order of the Office of Administrative Hearings may be filed with the Commission in accordance with Chapter 38 of this title.

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4200.16 Notwithstanding § 904 of the Act (D.C. Official Code § 42-3509.04), for the purposes of this chapter, service upon any person shall be completed only:

- (a) By handing the document to the person, by leaving it at the person's place of business with a responsible person in charge, or by leaving it at the person's usual place of residence with a person of suitable age and discretion;
- (b) By first class mail of the United States Postal Service, properly stamped and addressed;
- (c) By electronic means if the person to be served has previously consented in writing, and has not withdrawn consent, to the electronic delivery of notices, petitions, or other documents under the Act; or
- (d) By any other means that is in conformity with an order of the Commission, Rent Administrator, or Office of Administrative Hearings in the course of the proceeding for which service is made.

4200.17 A housing provider shall not be liable for violating any provision of Chapter 41 or this chapter because, between December 31, 2021 and January 31, 2023, the housing provider served a tenant with any notice or filed any document with the Rental Accommodations Division on a form that was published by the Rent Administrator prior to December 2021 or on a form published by the Rent Administrator that required information different from that required by the Act or this chapter.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1384 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2662-2663 (May 2, 1986); 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).