

4207 VACANCY RENT ADJUSTMENTS

- 4207.1 A vacancy adjustment, authorized by § 213 of the Act (D.C. Official Code § 42-3502.13), is an increase in the maximum, lawful rent that may be demanded from, received from, or charged to a new tenant for a rental unit that may be taken by a housing provider when the unit becomes vacant.
- 4207.2 A vacancy adjustment shall be authorized only if every tenant vacates a rental unit:
- (a) On the tenant's own initiative; or
 - (b) Pursuant to a notice to vacate lawfully served on the tenant(s) pursuant to § 501 of the Act (D.C. Official Code § 42-3505.01) and Chapter 43 of this title due to:
 - (1) Nonpayment of rent;
 - (2) A violation of an obligation of tenancy; or
 - (3) Use of the rental unit for an illegal purpose, as determined by a court of competent jurisdiction.
- 4207.3 Notwithstanding § 4205.7, a housing provider may claim an increase in the maximum, lawful rent for a rental unit pursuant to a vacancy adjustment at any time a vacancy occurs, unless the rent for the rental unit was increased pursuant to another vacancy adjustment or a conditional or final hardship rent surcharge within the preceding twelve (12) months.
- 4207.4 A vacancy adjustment shall become authorized on the day on which a housing provider retakes possession of the rental unit in accordance with § 4207.2. The housing provider shall file a Certificate of Rent Adjustment with the Rental Accommodations Division within thirty (30) days of retaking possession, in accordance with § 4204.10, stating the maximum, lawful rent that may be demanded from the next tenant. The authorized rent adjustment shall be deemed effective if and when the first month's rent is due from the next tenant. Authorization for a vacancy adjustment shall not be preserved beyond the commencement of the next tenancy.
- 4207.5 The amount of a vacancy adjustment shall be no greater than, at the election of the housing provider, either:
- (a) Ten percent (10%) of the rent charged to the previous tenant for the vacated rental unit; or

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- (b) If the previous tenant occupied the vacated rental unit for more than ten (10) years, twenty percent (20%) of the rent charged to the previous tenant for the unit.

- 4207.6 A housing provider who does not properly and timely file notice of a vacancy adjustment pursuant to § shall forfeit the vacancy adjustment, and the amount of the adjustment shall not be included in the rent demanded from, received, from, or charged to any subsequent tenant for the rental unit.
- 4207.7 Prior to or simultaneously with a new tenant entering a lease or other rental agreement for any rental unit covered by the Rent Stabilization Program, the housing provider shall make the disclosures required by § 4111.5.
- 4207.8 If a rent adjustment is implemented under this section, a copy of the disclosure form given to the new tenant pursuant to § 4111.5(a) shall be filed with the Rental Accommodations Division within thirty (30) days of the commencement of the tenancy in accordance with § 4111.6.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1390 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2665 (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).