

4304 TENANT RIGHTS TO ORGANIZE

4304.1 In accordance with § 506 of the Act (D.C. Official Code § 42-3505.06), every tenant in a housing accommodation covered by the Act, as provided by § 4100.3, shall have the right to:

- (a) Self-organize;
- (b) Form, join, meet, or assist one another within and without tenant organizations;
- (c) Meet and confer through representatives of their own choosing with a housing provider;
- (d) Engage in other concerted activities for the purpose of mutual aid and protection; and
- (e) Refrain from such activity.

4304.2 A tenant organizer who is not a tenant shall have the privilege and right of access to a multifamily housing accommodation as follows:

- (a) If the multifamily housing accommodation has a written policy that permits canvassing by uninvited, outside parties in the normal course of operations, or if the multifamily housing accommodation lacks a written and consistently enforced policy regarding canvassing, the tenant organizer shall be afforded the same privileges and rights afforded to other uninvited, outside parties; or
- (b) If the multifamily housing accommodation has a written and consistently enforced policy that prohibits canvassing by uninvited, outside parties in the normal course of operations, the tenant organizer, when accompanied by a tenant, shall be afforded the same privileges and rights afforded generally to invited, outside parties in the normal course of operations.

4304.3 A housing provider of a multifamily housing accommodation shall not interfere with any of the following activities by a tenant or tenant organizer because the activity relates to the rights enumerated in § 4304.1:

- (a) Distributing literature in common areas, including lobby areas;
- (b) Placing literature at or under tenants' doors;
- (c) Posting information on all building bulletin boards;
- (d) Assisting tenants to participate in tenant organization activities;

District of Columbia Municipal Regulations

- (e) Convening tenant or tenant organization meetings at any reasonable time and in any appropriate space that would reasonably be interpreted as areas that the tenant had access to under the terms of his or her lease, including any tenant's unit, a community room, a common area including a lobby, or other available space; provided, that an owner or agent of owner shall not attend or make audio recordings of such meetings unless permitted to do so by the tenant organization, if one exists, or by a majority of tenants in attendance, if a tenant organization does not exist;
- (f) Formulating responses to housing provider actions, including:
 - (1) Rent increases, requests or demands for rent increases, or the implementation of, or petitions or applications for administrative approval of, rent adjustments under the Rent Stabilization Program;
 - (2) Proposed increases, decreases, or other changes in the housing accommodation's facilities and services; and
 - (3) Conversion of residential units to nonresidential use, cooperative housing, or condominiums;
- (g) Proposing that the housing provider modify the housing accommodation's facilities and services; and
- (h) Any other activity reasonably related to the establishment or operation of a tenant organization.

4304.4 This section may be enforced by the filing of a tenant petition in accordance with § 4214, by the issuance of a show cause order in accordance with § 3926, or by order of a court of competent jurisdiction.

4304.5 Without limitation to any additional remedy as may be provided by a court of competent jurisdiction, if, after a hearing before the Office of Administrative Hearings on a tenant petition or show cause order, it is determined that a housing provider knowingly violated § 506 of the Act (D.C. Official Code § 42-3505.06) or this section, the housing provider may be ordered to:

- (a) Pay a civil fine, in accordance with § 4304.6;
- (b) Implement a rent rollback and pay a rent refund to a tenant if the provisions of the Rent Stabilization Program have been violated, including as provided by § 4304.7, in accordance with § 4217;
- (c) Pay reasonable attorney's fees, in accordance with § 3825; or

District of Columbia Municipal Regulations

(d) Cease and desist from the violation.

4304.6 A civil fine imposed pursuant to § 4304.5(a) shall not exceed the product of:

(a) Ten thousand dollars (\$10,000); multiplied by

(b) The quotient of:

(1) The CPI-U for the year preceding the violation; divided by

(2) CPI-U for the year 2006, which was two hundred and nine (209.0).

4304.7 If, after a hearing before the Office of Administrative Hearings on a tenant petition or show cause order, it is determined that a housing provider knowingly violated § 506 of the Act (D.C. Official Code § 42-3505.06) or this section, the Office of Administrative Hearings may deem the registration requirements of Chapter 41 of this title to be unmet for the subject housing accommodation during any period of time for which the violation was ongoing or recurring. A rent rollback and refund may be ordered pursuant to § 4304.5(b) for any resulting violations of the Rent Stabilization Program during that period.

4304.8 For the purposes of this section, the term “knowingly” shall have the same meaning ascribed in § 4217.6.

SOURCE: Final Rulemaking published at 68 DCR 012634 (December 3, 2021); as amended by Final Rulemaking published at 70 DCR 001710 (February 3, 2023).