

4301 NOTICES TO CORRECT VIOLATION OF TENANCY OR TO VACATE

- 4301.1 If a housing provider seeks to evict a tenant from a rental unit pursuant to § 501(b) of the Act (D.C. Official Code § 42-3505.01(b)) because the tenant is violating an obligation of tenancy, the housing provider shall first serve the tenant with a written notice directing the tenant to correct the violation or vacate the rental unit within thirty (30) days of service (“Notice to Correct or Vacate”).
- 4301.2 For the purposes of this chapter, an “obligation of tenancy” means only a substantial obligation that is contained in a valid lease, not including the obligation to pay the amount of rent specified in the lease, or a substantial obligation that is imposed on a tenant by the Housing Regulations.
- 4301.3 A housing provider shall not serve a Notice to Correct or Vacate based on a violation of an obligation of tenancy that has occurred more than six (6) months earlier than the date of service.
- 4301.4 A Notice to Correct or Vacate shall state:
- (a) The factual basis for the housing provider’s belief that the tenant is violating an obligation of tenancy, in sufficient detail to allow a reasonable person in the circumstances to know what allegedly occurred, including specific reference to the provision of the lease or Housing Regulations that create the obligation and to § 501(b) of the Act (D.C. Official Code § 42-3505.01(b));
 - (b) The specific action(s) the tenant needs to take to correct the violation, in sufficient detail to allow a reasonable person in the circumstances to know how to comply with the directive(s);
 - (c) That the housing provider may file an action in court to evict the tenant if the violation has not been corrected thirty (30) days after the service of the Notice to Correct or Vacate;
 - (d) The registration or exemption number for the rental unit or housing accommodation, as provided by the Rent Administrator in accordance with §§ 4102.10 and 4102.11 and, if the rental unit or housing accommodation is exempt from the Rent Stabilization Program, the basis for the exemption; and
 - (e) That a copy of the Notice to Correct or Vacate is being filed with the Rent Administrator, including the address and telephone number of the Rental Accommodations Division.

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- 4301.5 Section 4301.4(b) shall not apply if the tenant has violated a lease provision that is required by federal law for federally subsidized rental units that prohibits any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents, if the federal law implements a one-strike policy and that policy would be obstructed by an opportunity to correct the violation. In that case, the statement required by § 4301.4(c) only needs to state that the housing provider may file an action in court to evict the tenant if the tenant has not vacated thirty (30) days after service of the notice.
- 4301.6 A Notice to Correct or Vacate shall also state that:
- (a) The tenant may not have to vacate the unit if the violation of the obligation of tenancy set forth pursuant to § 4301.4(a) is related to a criminal offense committed or threatened against the tenant or the tenant's minor child that is an intrafamily offense by D.C. Official Code § 16-1001(8), which may include violence by a partner, relative, roommate, or other person with a close relationship to the victim; and
 - (b) The D.C. Office of Human Rights may be able to assist a tenant described in paragraph (a), and shall include contact information for that agency.
- 4301.7 A Notice to Correct or Vacate shall be signed by the housing provider or the housing provider's agent. If the Notice is signed by an agent, service on the agent of any complaints, orders, or other documents with respect to the Notice shall be deemed service on the housing provider.
- 4301.8 A Notice to Correct or Vacate shall be served on each tenant who is demanded to vacate a rental unit in accordance with D.C. Official Code § 42-3206.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1419 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2669 (May 2, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).