

4303 RETALIATION

- 4303.1 A housing provider shall not take an action against a tenant, as provided in § 4303.2, with the intent to injure or get back at a tenant in response to the tenant's exercise of any right conferred upon the tenant by law ("retaliatory intent").
- 4303.2 Actions against a tenant that may be prohibited by § 4303.1 include, but are not limited to:
- (a) Any action or proceeding not otherwise permitted by law that seeks to recover possession of a rental unit;
 - (b) Action that would unlawfully:
 - (1) Increase rent;
 - (2) Decrease or reduce the quality or quantity of services or facilities;
 - (3) Increase the obligations of the tenant or constitute undue or unavoidable inconvenience in meeting an obligation;
 - (4) Violate the privacy of the tenant; or
 - (5) Harass the tenant;
 - (c) Any refusal to honor a lease or rental agreement or any provision of a lease or rental agreement;
 - (d) Refusal to renew a lease or rental agreement;
 - (e) Termination of a tenancy without cause; or
 - (f) Any other form of threat or coercion.
- 4303.3 There shall be a rebuttable presumption that an action against a tenant by a housing provider is taken with retaliatory intent if the action is taken within six (6) months following the tenant's exercise of his or her legal rights in the following ways:
- (a) Making a request to the housing provider, either orally in the presence of a witness or in writing, to make repairs that are necessary to bring the housing accommodation or the rental unit the tenant occupies into compliance with the Housing Regulations;

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- (b) Contacting appropriate officials of the District government, either orally in the presence of a witness or in writing, concerning existing violations of the Housing Regulations in the rental unit the tenant occupies or pertaining to the housing accommodation in which the rental unit is located, or reporting to the officials suspected violations that, if confirmed, would render the rental unit or housing accommodation in noncompliance with the Housing Regulations;
- (c) Legally withholding all or part of the tenant's rent after having given a reasonable notice to the housing provider, either orally in the presence of a witness or in writing, of a violation of the Housing Regulations;
- (d) Organizing, being a member of, or being involved in any lawful activities pertaining to a tenant organization, as provided in § 4304;
- (e) Making an effort to secure or enforce any of the tenant's rights under the tenant's lease or contract with the housing provider; or
- (f) Bringing legal action against the housing provider.

4303.4 A presumption of retaliatory intent pursuant to § 4303.3 shall be rebutted only by the production of clear and convincing evidence by the housing provider that the action was taken without retaliatory intent.

4303.5 Where a housing provider is found to have violated § 4303.1, the Office of Administrative Hearings may order the housing provider, in addition to any other penalty prescribed by law, to cease and desist from taking such action, under such terms and conditions as the Office of Administrative Hearings may prescribe.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1421 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).