

2499 DEFINITIONS

2499.1 For purposes of this chapter, the following words and phrases shall have the meaning ascribed:

Act – the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3401.01 *et seq.*).

Affordable Rental Unit – a Rental Unit for which the Monthly Rent, plus Utilities, at the time the Mayor received the Offer of Sale, was equal to or less than the Maximum Rent for a Rental Unit at the fifty percent (50%) MFI Level or a Rental Unit subject to a subsidy under section 8 of the United States Housing Act of 1937, approved September 1, 1937 (88 Stat. 662; 42 USC § 1437f), or any comparable local or federal rental assistance program that limits Monthly Rent to a proportion of an eligible occupant's income.

Agency – the District of Columbia Department of Housing and Community Development or other District agency to which the Mayor delegates authority to administer the Act.

Allowable Annual Increase – the allowable annual increase in Monthly Rent for a Rental Unit pursuant to Section 208(h) of the Rental Housing Act (D.C. Official Code § 42-3502.08(h)), provided that the Rental Unit is not exempt pursuant to Section 205 of the Rental Housing Act (D.C. Official Code § 42-3502.05), or in the case of any local or federal rental affordability program (with respect to such unit or occupants thereof), the increase permitted under such program.

CFR – the United States Code of Federal Regulations.

Director – the head of the District of Columbia Department of Housing and Community Development or other agency to which authority is delegated by the Mayor to administer the Act.

DOPA Covenant – a covenant recorded in the land records in a form found legally sufficient by the Office of the General Counsel of the Agency that shall bind all persons with a property interest in any or all of the Housing Accommodation, and all assignees, mortgagees, purchasers, and other successors in interest, to such declarations as the Agency may reasonably require.

Existing Household – a Household living in a Housing Accommodation on the date the Offer of Sale was issued, at least one member of which continues to live in the same Rental Unit in the Housing Accommodation on the date

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the Mayor or the Mayor's Assignee acquires the Housing Accommodation.

Household – all persons living in a Rental Unit, which may include a single family, one (1) person living alone, two (2) or more families living together, or any other group of related or unrelated persons who occupy a single Rental Unit.

Household Income – the combined income of all persons living in a Rental Unit, calculated according to 24 CFR § 5.609.

Housing Accommodation – a structure in the District of Columbia consisting of one (1) or more Rental Units and the appurtenant land.

Mayor's Assignee – an individual or legal entity who has been assigned the Mayor's rights under Title IV-A of the Act and this chapter.

Maximum Rent – the highest amount chargeable for a particular Rental Unit such that a Household of the Rental Unit's imputed Household size that earns the applicable MFI Level will expend no more than 30% of its annual income on Monthly Rent and Utilities, as set forth in the Rent and Income Schedule. For purposes of this paragraph, the imputed Household size applicable to a unit is: (i) in the case of a unit which does not have a separate bedroom, 1 individual; and (ii) in the case of a unit which has 1 or more separate bedrooms, 1.5 individuals for each separate bedroom.

Median Family Income (MFI) – the area median income for the Washington Metropolitan Statistical Area as set forth by the United States Department of Housing and Urban Development, adjusted for Household size, without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers. Adjustments of area median income for Household size shall be made as prescribed in Section 2(1) of the Housing Production Trust Fund Act, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

MFI Level – a specified percentage of MFI; for example, 50% MFI, 60% MFI, or 80% MFI.

Monthly Rent – the entire amount of money, money's worth, benefit, bonus, or gratuity demanded, received, or charged by a housing provider as a condition of occupancy or use of a Rental Unit, its related services, and its related facilities, in accordance with Section 103(28) of the Rental Housing Act (D.C. Official Code § 42-3501.03(28)). This amount does not include any payment under Section 8 of the United States Housing Act of 1937, approved September 1, 1937 (88 Stat. 662; 42 USC § 1437f), or

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any comparable local or federal rental assistance program (with respect to such unit or occupants thereof).

Offer of Sale – a written statement provided to the Tenants and the Mayor in accordance with Sections 403 and 432 of the Act (D.C. Official Code §§ 42-3404.03 and 42-3404.32).

Owner – an individual, corporation, association, joint venture, business entity, government entity, and its respective agents, holding title to a Housing Accommodation.

Pre-Approved Developer – a person or legal entity selected through a competitive process, which meets certain standards and selection criteria published by the Agency.

Rent and Income Schedule – a document published in the *D.C. Register* pursuant to this chapter, which delineates rent restrictions based on income.

Rent Restricted Unit – A Rental Unit that has restricted Monthly Rent pursuant to Section 433 of the Act (D.C. Official Code § 42-3404.33) and Section 2406.8 of this chapter.

Rental Housing Act – the Rental Housing Act of 1985, effective December 24, 2008 (D.C. Law 17-286; D.C. Official Code §§ 42-3501.01 *et seq.*).

Rental Unit – a subset of a Housing Accommodation which is vacant, rented, or offered for rent for residential occupancy, including but not limited to an apartment, efficiency apartment, room, suite of rooms, and its appurtenant land.

Tenant – a person or persons entitled to possession, occupancy, or the benefits of a Rental Unit in a Housing Accommodation.

Tenant Organization – an organization registered with the Agency in accordance with Section 411 of the Act (D.C. Official Code § 42-3404.11) or its assignee.

Utilities – water, sewer, electricity, natural gas, trash, and any other fees required by the owner, property manager, or condominium or homeowners' association in order to occupy the unit, including but not limited to mandatory condominium, homeowners' association, amenity, administrative fees, or items consistent with any existing affordable housing programs in effect on the property as administered by the local or federal government.

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SOURCE: Final Rulemaking published at 65 DCR 12627 (November 16, 2018).