

## **4302 NOTICES TO VACATE FOR OTHER REASONS**

4302.1 In order to be valid, a notice to vacate for any reason listed in §§ 501(c) through (i) of the Act (D.C. Official Code § 42-3505.01(c)-(i)) (“Notice to Vacate”) shall state:

- (a) The factual basis the housing provider relies on, in sufficient detail to allow a reasonable person in the circumstances to know what allegedly occurred or the planned use or changes to the premises, and the specific subsection of § 501 of the Act (D.C. Official Code § 42-3505.01) that the eviction is based on;
- (b) That the housing provider may file an action in court to evict the tenant if the tenant does not vacate within the time provided by § 4302.2 after the service of the notice;
- (c) The registration or exemption number for the 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
- (d) That a copy of the Notice to Vacate is being filed with the Rent Administrator, including the address and telephone number of the Rental Accommodations Division.

4302.2 A housing provider shall not file an action in court to evict a tenant until the expiration of the following time periods, counted from the date of service of a Notice to Vacate:

- (a) If the Notice to Vacate is served pursuant to § 501(c) of the Act (D.C. Official Code § 42-3505.01(c)) (illegal act within premises), no less than thirty (30) days;
- (b) If the Notice to Vacate is served pursuant to § 501(d) of the Act (D.C. Official Code § 42-3505.01(d)) (housing provider’s personal use and occupancy), no less than ninety (90) days;
- (c) If the Notice to Vacate is served pursuant to § 501(e) of the Act (D.C. Official Code § 42-3505.01(e)) (contract purchaser’s personal use and occupancy), no less than ninety (90) days;
- (d) If the Notice to Vacate is served pursuant to an approved application under § 501(f) of the Act (D.C. Official Code § 42-3505.01(f) (unsafe alterations or renovations), no less than one hundred twenty (120) days before the date set forth in the timetable approved by the Rent Administrator;

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- (e) If the Notice to Vacate is served pursuant to § 501(g) of the Act (D.C. Official Code § 42-3505.01(g)) (demolition), no less than one hundred eighty (180) days;
- (f) If the Notice to Vacate is served pursuant to an approved application under § 501(h) of the Act (D.C. Official Code § 42-3505.01(h)) and § 4212 of this title (substantial rehabilitation), no less than one hundred twenty (120) days; provided, that the expiration of this time shall be no earlier than the time set forth in the timetable approved by the Office of Administrative Hearings; or
- (g) If the Notice to Vacate is served pursuant to § 501(i) of the Act (D.C. Official Code § 42-3505.01(i)) (discontinuance of use), no less than one hundred eighty (180) days.

4302.3 If a Notice to Vacate is served pursuant to § 501(c) of the Act (D.C. Official Code § 42-3505.01(c)) (illegal act within premises), it shall also contain the following:

- (a) The name of the court of competent jurisdiction that determined an illegal act was committed;
- (b) The date of the order in which the determination was made and whether all rights of appeal have been exhausted;
- (c) The case number of the proceeding in which the order was issued;
- (d) That the court's determination shows that the tenant knew or should have known that the illegal act was committed; and
- (e) Statements that:
  - (1) The tenant may not have to vacate the unit if the illegal act set forth pursuant to § 4202.1(a) is related to a criminal offense committed or threatened against the tenant or the 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
  - (2) The D.C. Office of Human Rights may be able to assist a tenant described in subparagraph (1) and shall include contact information for that agency.

4302.4 If a Notice to Vacate is served pursuant to §§ 501(f) (unsafe alterations or renovations), (g) (demolition), (h) (substantial rehabilitation), or (i) (discontinuance of use) (D.C. Official Code §§ 42-3505.01(f), (g), (h), or (i)), it shall also contain the following statements:

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- (a) That the law requires the housing provider to pay the tenant relocation assistance, and the amount of relocation assistance due in accordance with § 703(a) or (b) of the Act (D.C. Official Code § 42-3507.03(a) or (b)) and § 4401.6 of this title;
- (b) That, in accordance with § 703(c) of the Act (D.C. Official Code § 42-3507.03(c)) and § 4401.7 of this title, if the tenant gives the housing provider at least ten (10) business days advance, written notice of the date on which the tenant will vacate the rental unit, the tenant will be paid relocation assistance no later than twenty-four (24) hours before the date the tenant will vacate the rental unit, or, if notice is not provided, within thirty (30) days after the tenant vacates the rental unit; and
- (c) That if the tenant fails to pay rent between the date of the service of the Notice to Vacate and expiration of the applicable time period stated in the Notice to Vacate, the tenant may be evicted in a shorter time period or may lose all or a part of the relocation assistance due.

4302.5 If a Notice to Vacate is served pursuant to § 501(f) of the Act (D.C. Official Code § 42-3505.01(f)) (unsafe alterations or renovations), it shall be in the languages as required for a vital document by § 4 of the Language Access Act of 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933), and shall also include the following:

- (a) A statement that the tenant has an absolute right to re-rent the rental unit immediately after the alteration or renovation is completed, and what the rent will be if that right is exercised;
- (b) A list of sources of technical assistance, as published in the D.C. Register; and
- (c) The notice issued by the Office of the Tenant Advocate pursuant to § 501(f)(1)(C)(iii)(II) of the Act (D.C. Official Code § 42-3505.01(f)(1)(C)(iii)(II)) upon approval of the application by the Rent Administrator that includes the address and telephone number of the Office of the Tenant Advocate, an explanation of the right to maintain his or her tenancy and, if applicable, rent level, and an explanation of the need to keep the Office of the Tenant Advocate informed of the tenant's interim addresses.

4302.6 If a Notice to Vacate is served pursuant to § 501(h) of the Act (D.C. Official Code § 42-3505.01(h)) and § 4212 of this title (substantial rehabilitation), it shall also contain the following information:

- (a) A statement that the tenant has an absolute right to re-rent the rental unit immediately after the substantial rehabilitation is completed, and what the rent will be if the right to re-rent is exercised;

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- (b) The petition number and date of the final order by which approval for the Notice to Vacate and any rent adjustment was approved; and
- (c) The address and telephone number of the Office of the Tenant Advocate and an explanation of the need to keep the Office of the Tenant Advocate informed of the tenant's interim address.

4302.7 A Notice to 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.

4302.8 A Notice to 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, 1419-1421 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).