

4217 ENFORCEMENT, REMEDIES, AND PENALTIES

4217.1 If it is determined, pursuant to a tenant petition filed in accordance with § 4214, that a housing provider knowingly demanded or received rent from a tenant greater than the lawful rent for a rental unit, or knowingly substantially reduced or eliminated related services or facilities required by law or without prior administrative approval, the Rent Administrator, Office of Administrative Hearings, Commission, or a court of competent jurisdiction shall order the housing provider to:

- (a) Pay to the tenant a rent refund in the amount of:
 - (1) The rent demanded or received in excess of the lawful rent for the rental unit; or
 - (2) The monthly value of the related service or facility that has been substantially reduced or eliminated, over the duration of the reduction or elimination; or
- (b) Implement a rent rollback in the amount of:
 - (1) Any unlawful rent adjustment, until an authorized rent adjustment is implemented in accordance with this chapter; or
 - (2) The value of the related service or facility that has been substantially reduced or eliminated, until the service or facility is restored.

4217.2 A rent refund under § 4217.1(a) shall be trebled if detailed findings of fact are made that the housing provider acted in bad faith.

4217.3 Interest may be imposed on a rent refund or trebled refund ordered pursuant to §§ 4217.1(a) or 4217.2 by the Office of Administrative Hearings, or the Commission on appeal, and shall be calculated in accordance with § 3826.

4217.4 Where it has been determined that any person has committed any violation of the Act, Chapters 41-44 of this title, or any order of the Rent Administrator, Office of Administrative Hearings, or the Commission, or has made a false statement in any document filed pursuant to the Act or Chapters 38-44 of this title, civil fines of not more than \$5,000 per violation may be imposed by the Rent Administrator, Office of Administrative Hearings, or the Commission the person acted willfully.

4217.5 Where a party has failed to comply with an order of the Rent Administrator, the Office of Administrative Hearings, or the Commission, the Rent Administrator, the Commission, or any adversely affected tenant or housing provider is authorized to commence a civil action in the Superior Court of the District of

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Columbia for enforcement pursuant to § 218 of the Act (D.C. Official Code § 42-3502.18), or a tenant may file an application for entry of the final order as a judgment in accordance with Superior Court Civil Rule 12-I(b)(1)(G).

- 4217.6 A housing provider shall be found to have acted knowingly where the housing provider had knowledge of the essential facts that bring the conduct within the purview of the Act.
- 4217.7 A housing provider shall be found to have engaged in sufficiently egregious conduct to warrant a finding of bad faith where the housing provider deliberately failed to perform a duty without a reasonable excuse, heedlessly disregarded a duty, or had a dishonest intent or sinister motive in the performance of an act or the failure to perform a duty.
- 4217.8 A person shall be found to have acted willfully where specific findings of fact are made that the person intended to violate the legal obligations enumerated in § 4217.4 or was at least aware of the resulting legal consequences of the conduct.
- 4217.9 Rent refunds ordered pursuant to § 4217.1(a) may be awarded for unlawful rents charged or reductions in services or facilities that continue past the date the tenant petition is filed, where evidence on the record shows that the tenant continues to reside in the rental unit and that the violation continues, through no later than the date the evidentiary record in a tenant petition closes.
- 4217.10 An order to implement a rent rollback pursuant to § 4217.1(b) shall be effective ten (10) business days after the date it is issued, plus five (5) days if served on the housing provider by U.S. mail, or if the order is stayed by the filing of an appeal in accordance with § 3805, the same number of days from the date the order is affirmed by the Commission.
- 4217.11 Appeals of fines imposed in accordance with § 901(f) of the Act (D.C. Official Code § 42-3509.01(f)) and the DCRA Civil Infractions Act of 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.01 *et seq.*) (“Civil Infractions Act”) shall be reviewed by the Commission pursuant to § 301 of the Civil Infractions Act (D.C. Official Code § 2-1803.01) and in accordance with Chapter 38 of this title.
- 4217.12 A party that prevails on a contested petition or application filed under the Act may be awarded attorney’s fees in accordance with § 3825.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1417 (March 7, 1986); as amended by: Notice of Final Rulemaking published at 33 DCR 2656, 2669 (May 2, 1986); and Notice of Final Rulemaking published at 45 DCR 684, 694 (February 6, 1998); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).