

**3899 DEFINITIONS**

3899.1 The provisions of this section shall be applicable to Chapters 38-44 of this title.

3899.2 The following words and phrases shall have the meanings ascribed:

**Act** – the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3501.01 *et seq.*), as amended. The terms “arising under the Act,” “provisions of the Act,” “pursuant to the Act,” and “violation of the Act” include the rules in Chapters 38-44 of this title or, where a specific section of the Act is referenced, any rules in those chapters that are relevant to the referenced section of the Act.

**Adjustment of general applicability** – a rent adjustment that is authorized on an annual basis for all rental units covered by the Rent Stabilization Program, which is calculated based on the consumer price index, as provided by § 206(b) of the Act (D.C. Official Code § 42-3502.06(b)) and § 4206 of this title.

**Administrative Law Judge** – an Administrative Law Judge of the Office of Administrative Hearings who presides over a contested case or other administrative adjudicative proceeding arising under the Act.

**Area median income** – as defined in D.C. Official Code § 42-2801(1):

- (i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;
- (ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;
- (iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;
- (iv) For a household of one person, 70% of the area median income for a household of 4 persons;
- (v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by an increment of ten (10) percentage points over the area median income for a family of 4 persons for each household member exceeding 4 persons (e.g., the area median income for a family of 5 shall be 110% of the area median income for a family of 4; the area median income for a

## District of Columbia Municipal Regulations

household of 6 shall be 120% of the area median income for a family of 4).

**Base rent** – the rent legally charged or chargeable on April 30, 1985, for a rental unit, which was the sum of the rent charged on September 1, 1983, and all rent increases authorized for that rent unit by prior rent control laws, or any administrative decision issued under those laws, and any rent increases authorized by a court of competent jurisdiction.

**Business days** – all days other than Saturdays, Sundays, legal holidays codified at D.C. Official Code § 1-612.02, furlough days, and other closed days as designated by the District of Columbia Government.

**Capital improvement** – an improvement or renovation of a rental unit or housing accommodation, other than ordinary repair, replacement, or maintenance, if the improvement or renovation is deemed depreciable under the Internal Revenue Code (Title 26 of the United States Code).

**Clerk** – the Clerk of Court employed by the Commission.

**Commission** – the Rental Housing Commission, the three (3)-member body established by § 201 of the Act (D.C. Official Code § 42-3502.01) to decide appeals and promulgate regulations under the Act and to certify and publish the annual adjustment of general applicability.

**Commercially reasonable** – within a reasonably foreseeable range of costs that would be incurred in an arm's length transaction in current, local market conditions for similar products or services.

**Conciliation Service** – the service established within the Rental Accommodations Division by § 503 of the Act (D.C. Official Code § 42-3505.03) that provides a voluntary, non-adversarial forum for the resolution of disputes arising between housing providers and tenants.

**Condominium** – real estate, portions of which, in accordance with the Condominium Act of 1976, effective March 29, 1977 (D.C. Law 1-89; D.C. Official Code §§ 42-1901.01 *et seq.*), are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the portions designated for separate ownership. Real estate shall not be deemed a condominium unless the undivided interests in the common elements are vested in the unit owners.

**Contested case** – a proceeding arising under the Act in which the legal rights, duties, or privileges of specific parties are required by the provisions of the Act or any other law, or by constitutional right, to be determined after a hearing.

## District of Columbia Municipal Regulations

**Cooperative housing association** – an association incorporated for the purpose of owning and operating residential real property in the District, the shareholders or members of which, by reason of their ownership of stock or membership certificate, a proprietary lease, or other evidence of membership, are entitled to occupy a dwelling unit under the terms of a proprietary lease or occupancy agreement.

**Cooperative housing use** – the ownership of residential real property, or any portion thereof, by a cooperative housing association, and the occupancy of such property, or portion thereof, by a shareholder or member of the association, or the offering of occupancy to shareholders or members.

**Dormitory** – any structure or building owned by an institution of higher education or private boarding school, in which at least ninety-five percent (95%) of the units are occupied by presently matriculated students of the institution of higher education or private boarding school.

**Elderly tenant** – a tenant who is sixty-two (62) years of age or older.

**Home and community-based services waiver provider** – an entity that provides residential habilitation or supported living services under the Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program authorized by Section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1396n).

**Housing accommodation** – any structure or building in the District containing one (1) or more rental units and the land appurtenant thereto. The term “housing accommodation” does not include any hotel or inn with a valid certificate of occupancy or any structure, including any room in the structure, used primarily for transient occupancy and in which at least sixty percent (60%) of the rooms devoted to living quarters for tenants or guests were used for transient occupancy as of May 20, 1980.

**Housing provider** – a landlord, owner, lessor, sub-lessor, assignee, or any other person receiving or entitled to receive rents or benefits for the use or occupancy of any rental unit within a housing accommodation within the District, and includes any property manager or other agent of a housing provider.

**Housing Provider Ombudsman** – the office within the Department of Housing and Community Development, Housing Regulation Administration that helps housing providers better understand the District of Columbia’s housing laws and provides assistance to them.

## District of Columbia Municipal Regulations

**Housing Regulations** – the Housing Regulations of the District of Columbia, effective August 11, 1955 (Commissioners’ Order 55-1503; 14 DCMR Chapters 1-13), as amended, including all applicable provisions of the Property Maintenance Code in accordance with 12-G DCMR § 102.4.1.

**Initial leasing period** – that period for which the first tenant leases a rental unit immediately after the date it is first offered for rent as a rental unit that is not otherwise exempt from the Act.

**Late fee** – any amount of money, money’s worth, benefit, bonus, or gratuity demanded, received, or charged by a housing provider as a consequence of any lack of payment or receipt of rent by the date on which it is due.

**Lawful rent** – the amount of rent that may be demanded, received, or charged for a rental unit consistent with the Rent Stabilization Program. As used in these rules, this phrase is intended to distinguish a legal determination from an actual demand, receipt, or charge of rent that may be in excess of the allowable limit or from a situation where no rent is actually demanded, received, or charged because a unit is vacant.

**Mandatory fee** – any amount of money, money’s worth, benefit, bonus, or gratuity demanded, received, or charged by a housing provider, unless on an opt-in basis to tenants, for any service or facility, including move-in, move-out, amenity, utility, appliance, equipment, and other fees however described, but not including late fees.

**Multi-building housing complex** – the aggregate of rental units located in two (2) or more physically contiguous buildings that share common ownership and management and are operated and treated for management and accounting purposes as a single business entity.

**Office of Administrative Hearings** – the agency established by the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code §§ 2-1831.01 *et seq.*), responsible for the administrative adjudication of contested cases and other administrative adjudicative proceedings arising under the Act, and includes its Chief Administrative Law Judge and Administrative Law Judges.

**Office of the Tenant Advocate** – the agency established by the Office of the Chief Tenant Advocate Establishment Act, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code §§ 42-3531.01 *et seq.*), to provide education, outreach, technical and legal advice, and other advocacy and assistance to tenants in the District, and includes the Chief Tenant Advocate.

## District of Columbia Municipal Regulations

**Person** – an individual, corporation, partnership, association, joint venture, business entity, or an organized group of individuals, and includes any agent, successor, or assignee of a person.

**Property Maintenance Code** – The 2012 Property Maintenance Code published by the International Code Council, and any subsequent editions thereof, as adopted by the District of Columbia with additions, insertions, deletions, and changes as set forth in the 2013 District of Columbia Property Maintenance Code Supplement, 12-G DCMR, or any successor thereto.

**Qualifying income** – household income, as defined by D.C. Official Code § 47-1806.06(b), that is no greater than sixty percent (60%) of the area median income.

**Related facility** – any facility, furnishing, or equipment made available to a tenant by a housing provider, the use of which is authorized by the payment of the rent charged for a rental unit, including any use of a kitchen, bath, laundry facility, parking facility, or the common use of any common room, yard, or other common area.

**Related service** – any service provided by a housing provider that is required by law, including the Housing Regulations, or by the terms of a rental agreement to a tenant in connection with the use and occupancy of a rental unit, including repairs, decorating and maintenance, the provision of light, heat, hot and cold water, air conditioning, telephone answering or elevator services, janitorial services, or the removal of trash and refuse.

**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.

**Rent adjustment** – any act by a housing provider that has the effect of increasing or decreasing rent, including an act to implement a rent surcharge.

**Rent Administrator** – the head of the Rental Accommodations Division who is appointed by the Mayor and administers the Act, including the Rent Stabilization Program, in accordance with § 204 of the Act (D.C. Official Code § 42-3502.04) and Chapter 39 of this title.

**Rent ceiling** – the amount that, prior to its abolition by the Rent Control Reform Amendment Act of 2006, effective August 5, 2006 (D.C. Law 16-145; 53 DCR 4889 (June 23, 2006)), was defined in or computed under § 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) and Chapter 42 of this title to be the preserved sum of all allowed adjustments and maximum amount

## District of Columbia Municipal Regulations

of rent permitted for a rental unit covered by the Rent Stabilization Program.

**Rent charged** – the entire amount of money, money’s worth, benefit, bonus, or gratuity a tenant must actually pay to a housing provider as a condition of occupancy or use of a rental unit, its related services, and its related facilities, pursuant to the Rent Stabilization Program.

**Rent surcharge** – a charge added to the rent charged for a rental unit pursuant to a capital improvement petition, hardship petition, or a substantial rehabilitation, and not included as part of the rent charged.

**Rent refund** – monetary compensation to a tenant for rent previously unlawfully demanded or received by a housing provider for a rental unit.

**Rent rollback** – a reduction in the rent to be paid in the future for a rental unit to correct a violation of the Act.

**Rent Stabilization Program** – the provisions of §§ 205(f) through 219, except § 217, and § 224, of the Act (D.C. Official Code §§ 42-3502.05(f) - 42-3502.19, except 42-3502.17, and 42-3502.24) and Chapter 42 of this title, which regulate rents and related services and facilities in rental units that it covers.

**Rental Accommodations Division** – the division of the Department of Housing and Community Development, Housing Regulation Administration, established by § 42-3502.03 of the Act (D.C. Official Code § 42-3502.03) to assist the Rent Administrator in carrying out his or her functions and duties under the Act.

**Rental Housing Act of 1980** – the Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; 28 DCR 326 (January 23, 1981)), as amended, prior to its repeal on July 17, 1985.

**Rental unit** – any part of a housing accommodation that is rented or offered for rent for residential occupancy, and includes an apartment, efficiency apartment, room, single-family house and the land appurtenant thereto, suite of rooms, or duplex.

**Social Security COLA** – the cost-of-living adjustment to the benefits for Social Security recipients announced by the Social Security Administration pursuant to § 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).

**Substantial evidence** – relevant evidence that a reasonable mind might accept as adequate to support a conclusion.

## District of Columbia Municipal Regulations

**Substantial rehabilitation** – any improvement to or renovation of a housing accommodation for which:

- (a) The building permit was granted after January 31, 1973; and
- (b) The total expenditure for the improvement or renovation equals or exceeds fifty percent (50%) of the assessed value of the housing accommodation before the rehabilitation.

**Substantial violation** – the presence of any housing condition, the existence of which:

- (a) Violates the Housing Regulations or any other statute or regulation relative to the condition of residential premises; and
- (b) May endanger or materially impair the health and safety of any tenant or person occupying the property.

**Substantially identical rental unit** – a rental unit that:

- (a) Is covered by the Rent Stabilization Program;
- (b) Has essentially the same floor plan, square footage, comparable amenities and equipment, comparable location with respect to exposure and height (if exposure and height have previously determined rent), and is in comparable physical condition as the subject rental unit; and
- (c) Is located in the same building or in a similar building within the same housing accommodation as the subject rental unit.

**Tenant** – a person entitled to the possession, occupancy, or the benefits of any rental unit owned by another person, and includes a tenant, subtenant, lessee, sub-lessee, and does not include a proprietary lease holder, shareholder, or other member of a cooperative housing association.

**Tenant association** – a group of tenants organized by a signed, written agreement to act on behalf of its members, or other tenants agreeing to be represented, in any specifically identified matter arising under the Act.

**Tenant petition** – a petition filed with the Rental Accommodations Division by a tenant or tenant association pursuant to § 4214 to contest and request appropriate relief for a violation of the Act or Chapters 41-44 of this title.



## District of Columbia Municipal Regulations

**Tenant with a disability** – a tenant who has a physical or mental impairment that substantially limits one or more major life activities of such individual, in accordance with § 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)), as amended by the ADA Amendments Act of 2008 (Pub. L. 110-325; 122 Stat. 3553), and the implementing regulations promulgated by the Equal Employment Opportunity Commission, 29 C.F.R. § 1630.2(g)(1)(i).

**Transient occupancy** – the regular furnishing of any room or rooms, lodgings, or accommodations to transients for consideration that is subject to retail sale tax pursuant to D.C. Official Code § 47-2001(n)(1)(C).

**Vacancy adjustment** – a rent adjustment that is authorized at the time a rental unit becomes vacant, as provided by § 213 of the Act (D.C. Official Code § 42-3502.13) and § 4207 of this title.

**Voluntary agreement** – a written agreement to be executed by seventy percent (70%) or more of the tenants of a housing accommodation and the housing provider that, with approval, establishes the rents or levels of services or facilities or provides for capital improvements and repairs and maintenance, as provided by § 215 of the Act (D.C. Official Code § 42-3502.15) and § 4213 of this title.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1425-26, 1431-34 (March 7, 1986); as amended by Notice of Final Rulemaking published at 45 DCR 684 (February 6, 1998); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021); as amended by Final Rulemaking published at 70 DCR 001710 (February 3, 2023).