

**4204 AUTHORIZATION AND FILING OF RENT ADJUSTMENTS
GENERALLY**

- 4204.1 The rent for a rental unit covered by the Rent Stabilization Program may be increased no more than once every twelve (12) months, and no rent increase shall exceed the dollar amount authorized or required by one (1) valid legal basis provided by the Act and this chapter.
- 4204.2 The rent for a rental unit may be adjusted by a housing provider pursuant to the following legal bases without prior administrative approval:
- (a) By adjustment of general applicability authorized by § 206(b) of the Act (D.C. Official Code § 42-3502.06(b)) and § 4206 of this chapter; or
 - (b) By vacancy adjustment authorized by § 213 of the Act (D.C. Official Code § 42-3502.13) and § 4207 of this chapter.
- 4204.3 The rent for a rental unit may be adjusted by a housing provider with prior administrative approval, pursuant to a petition filed with the Rent Administrator by the housing provider in accordance with § 4208, and approved by a final order of the Office of Administrative Hearings, where required, pursuant to the following legal bases:
- (a) For hardship surcharges authorized by §§ 206(c) and 212 of the Act (D.C. Official Code §§ 42-3502.06(c) & 42-3502.12) and § 4209 of this chapter;
 - (b) For capital improvement surcharges authorized by § 210 of the Act (D.C. Official Code § 42-3502.10) and § 4210 of this chapter;
 - (c) For adjustments of related services and facilities authorized by § 211 of the Act (D.C. Official Code § 42-3502.11) and § 4211 of this chapter; or
 - (d) For substantial rehabilitation surcharges authorized by § 214 of the Act (D.C. Official Code § 42-3502.14) and § 4212 of this chapter.
- 4204.4 The rent for a rental unit may be adjusted pursuant to a seventy percent (70%) Voluntary Agreement authorized by § 215 of the Act (D.C. Official Code § 42-3502.15), with the prior approval of the Rent Administrator or Office of Administrative Hearings pursuant to an application filed in accordance with § 4213 of this chapter.
- 4204.5 The rent for a rental unit may be adjusted by order of the Office of Administrative Hearings pursuant to a petition filed by one (1) or more tenants under § 216 of the Act (D.C. Official Code § 42-3502.16), for any of the reasons provided in § 4214 of this chapter.

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- 4204.6 An order of the Rent Administrator or Office of Administrative Hearings authorizing, requiring, or denying authorization for a rent adjustment may be appealed to the Commission, pursuant to §§ 202(a)(2) and 216(h) of the Act (D.C. Official Code §§ 42-3502.02(a)(2) & 42-3502.16(h)) and § 19(b) of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.16(b)), and appeals shall be decided in accordance with Chapter 38 of this title.
- 4204.7 The rent for a rental unit may be adjusted by or pursuant to an order of any court of competent jurisdiction.
- 4204.8 In calculating the amount of a rent adjustment that is authorized or limited by the Rent Stabilization Program:
- (a) Any fraction of a dollar of forty-nine cents (49¢) or less shall be rounded down to the nearest dollar, and any fraction of fifty cents (50¢) or more shall be rounded up to the nearest dollar;
 - (b) Any percentage change in rent shall be rounded to one (1) decimal place; and
 - (c) Any allowable percentage change shall not be calculated by including the amount of any rent surcharge as part of the current or prior rent charged.
- 4204.9 An authorized rent adjustment, other than a rent ceiling adjustment preserved by § 206(a) of the Act (D.C. Official Code § 42-3502.06(a)), shall be implemented, in compliance with § 4205, in accordance with the following time limits:
- (a) Authorization for an adjustment, other than a vacancy adjustment, shall expire twelve (12) months after the date it first becomes authorized by either its publication as the annual adjustment of general applicability or by order of the Rent Administrator or Office of Administrative Hearings approving the adjustment, as applicable;
 - (b) For the purposes of paragraph (a), a rent increase authorized pursuant to § 4210 (capital improvement), § 4211 (services or facilities), § 4212 (substantial rehabilitation), or § 4213 (voluntary agreement) shall not be deemed first-authorized with respect to a rental unit until the construction or other change(s) to the housing accommodation that form the basis of the approval of the rent increase are completed.
 - (c) For the purposes of paragraph (a), a rent surcharge that may not be implemented under § 4215 (elderly and disability protections) shall not be deemed first-authorized with respect to a rental unit unless and until:

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- (1) The tenant waives his or her rights pursuant to § 224(c) of the Act (D.C. Official Code § 42-3502.24(c)) and § 4215.3 of this chapter;
 - (2) The rental unit is no longer occupied by a tenant protected by § 4215; or
 - (3) The Chief Financial Officer of the District of Columbia determines that funds are not available for the tax credit provided by § 224(g) of the Act (D.C. Official Code § 42-3502.24(g));
- (d) A vacancy adjustment shall be implemented only at the time the first new tenancy commences after the adjustment is authorized, in accordance with §§ 4205.6(b) and 4207.4;
- (e) Failure to implement a rent adjustment within the time allowed shall result in the forfeiture of the authorization for the rent adjustment;
- (f) The prohibition on implementation of multiple rent adjustments within a (12) month period, as provided by §§ 4205.7 and 4205.8, shall not excuse the failure, or extend the time, to implement an authorized rent adjustment; and
- (g) The prohibition on implementation of rent adjustments in excess of the rent established by a lease or rental agreement of a fixed duration in § 208(e) of the Act (D.C. Official Code § 42-3502.08(e)) and § 4204.12 shall permit a housing provider to defer a rent increase pursuant to an approved petition under § 4209 (hardship), § 4210 (capital improvement), § 4211 (services or facilities), or § 4213 (substantial rehabilitation) beyond the 12-month expiration period until no more than thirty (30) days after the termination of the fixed duration of the lease.

4204.10 A housing provider shall file a Certificate of Rent Adjustment form, as published by the Rent Administrator, no more than thirty (30) days after the effective date of any rent adjustment, as determined in accordance with § 4205.6, whether or not the affected rental unit is occupied. Each certificate shall state:

- (a) Each rental unit to which the adjustment applies;
- (b) If the rent was increased, the type of rent adjustment being implemented and:
 - (1) For an adjustment of general applicability, the effective date of the annual change as published by the Commission;
 - (2) For a vacancy adjustment, the date on which the housing provider regained possession of the rental unit; or

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- (3) For any rent adjustment that requires prior administrative approval, the date on which approval was obtained, or, for a conditional hardship increase, the date on which the hardship petition was filed, and the case number of the administrative proceeding;
- (c) The dollar amount of the rent adjustment and its percentage of the prior rent charged;
- (d) The new rent charged for the rental unit, the date on which it became effective, and, if applicable for a rent surcharge, the date on which it will expire;
- (e) The definition of the term “rent charged;” and
- (f) The dollar amount of any other rent surcharge currently applied to the rental unit or from which the current tenant is exempt pursuant to § 224(b) or (i) of the Act (D.C. Official Code § 42-3502.24(b) or (i)) and the case number of the administrative proceeding in which each surcharge was approved.

4204.11 If a housing provider does or is required to decrease the rent charged for a rental unit for any reason, including that an elderly tenant or tenant with a disability is protected under § 224 of the Act (D.C. Official Code § 42-3502.24) and § 4215 of this chapter or upon the termination of a rent surcharge, the housing provider shall file a Certificate of Rent Adjustment in accordance with § 4204.10.

4204.12 Authorization for a rent adjustment for any reason under this chapter shall not permit a housing provider to demand, receive or charge any rent to a tenant in excess of any amount that is fixed by a valid, written lease or rental agreement for the term of the lease or rental agreement.

4204.13 Any term(s) in an otherwise-valid lease or rental agreement by which a housing provider demands, receives, or charges any rent, or reserves the right to implement any rent increase, in excess of the amount permitted by the Rent Stabilization Program shall be void to the extent of the excess.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1386-88 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2664 (May 2, 1986); 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).