

4300 GROUNDS FOR EVICTION

4300.1 A tenant of a rental unit covered by the Act, as provided in § 4100.3, shall not be evicted from the rental unit except:

- (a) For any reason listed in § 4300.2; or
- (b) After the service of a notice that complies with §§ 4301 or 4302, for the following reasons as described in § 501 of the Act (D.C. Official Code § 42-3505.01) and this section:
 - (1) For violation of an obligation of tenancy, pursuant to § 501(b) of the Act (D.C. Official Code § 42-3505.01(b));
 - (2) For performance of an illegal act on the premises, pursuant to § 501(c) of the Act (D.C. Official Code § 42-3505.01(c));
 - (3) For personal use and occupancy by the owner of the rental unit, pursuant to § 501(d) of the Act (D.C. Official Code § 42-3505.01(e));
 - (4) For personal use and occupancy of a purchaser of the rental unit, pursuant to § 501(e) of the Act (D.C. Official Code § 42-3505.01(e));
 - (5) For unsafe alterations or renovations, pursuant to § 501(f) of the Act (D.C. Official Code § 42-3505.01(f));
 - (6) For demolition of the housing accommodation, pursuant to § 501(g) of the Act (D.C. Official Code § 42-3505.01(g));
 - (7) For substantial rehabilitation, pursuant to §§ 214 and 501(h) of the Act (D.C. Official Code §§ 42-3502.14 & 42-3505.01(h));
 - (8) For discontinuation of housing use and occupancy, pursuant to § 501(i) of the Act (D.C. Official Code § 42-3505.01(i)); or
 - (9) For closure of a building by order of the Department of Buildings, pursuant to § 501(n) of the Act (D.C. Official Code § 42-3505.01(n)) and § 103 of this title or § 108 of the District of Columbia Property Maintenance Code (12-G DCMR § 108).

4300.2 Nothing in this section or §§ 4301 or 4302 shall apply to the eviction of a tenant:

- (a) For the nonpayment of rent;

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- (b) In an action brought in accordance with the Residential Drug-related Evictions Re-enactment Act of 2000 (D.C. Law 13-172; D.C. Official Code §§ 42-3601 *et seq.*); or
- (c) For the purpose of converting the rental unit or housing accommodation to condominium or cooperative housing use, which is subject to the requirements of the Conversion of Rental Housing to Condominium or Cooperative Status Act of 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3402.01 *et seq.*) and § 4705 of this title.

4300.3 The expiration of the term of a lease for a rental unit covered by the Act shall not, by itself, entitle a housing provider to evict a tenant from the rental unit.

4300.4 No action or proceeding to evict a tenant shall be filed by a housing provider until the expiration of the time required for the type of eviction being sought by the applicable subsections of § 501(b) through (i) of the Act (D.C. Official Code § 42-3505.01(b)-(i)) and stated in a notice served in accordance with §§ 4301 or 4302.

4300.5 Any notice served on a tenant pursuant to § 501(b) through (i) of the Act (D.C. Official Code § 42-3505.01(b)-(i)) shall also be filed with the Rent Administrator, in accordance with § 3901 of this title, no later than five (5) days after service on the tenant and shall include a certification that the tenant was served and by what means. The Rent Administrator shall review each notice promptly and may:

- (a) Issue an order disapproving and voiding the notice if he or she finds that the notice is defective on its face or in conjunction with any supporting documentation; or
- (b) Issue a show cause order in accordance with § 3926 if he or she finds substantial grounds to believe that a possible violation of the Act or this chapter has occurred.

4300.6 A tenant may be evicted pursuant to § 501(b) of the Act (D.C. Official Code § 42-3505.01(b)) for the reason that the tenant is violating an obligation of tenancy, as defined in § 4301.2, only if the tenant is notified in writing of and is given the opportunity to correct the violation, in accordance with § 4301 of this chapter.

4300.7 A tenant may be evicted pursuant to § 501(c) through (i) of the Act (D.C. Official Code § 42-3505.01(c)-(i)) for one of the reasons provided in those subsections only if the tenant is served with a written notice that meets each requirement listed in § 4302 of this chapter that applies to type of eviction being sought.

4300.8 A housing provider shall not serve a notice pursuant to § 501(c) of the Act (D.C. Official Code § 42-3505.01(c)) (illegal act within premises) until a court of competent jurisdiction has made a final determination that a tenant has performed

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an illegal act within the rental unit or housing accommodation occupied by the tenant, no appeal is pending, and the time for appeal has expired.

- 4300.9 Any notice that seeks to evict a tenant pursuant to § 501(d) or (e) of the Act (D.C. Official Code § 42-3505.01(d) or (e)) (housing provider's or purchaser's personal use and occupancy), when filed with the Rent Administrator, shall be accompanied by an affidavit stating that the housing provider or the purchaser, as applicable, intends in good faith to take possession only for the immediate and personal use and occupancy of the rental unit by the housing provider or purchaser as his or her primary residence and that he or she will not demand or receive rent for the unit from any person for twelve (12) months from the date he or she recovers possession of the unit from the tenant. Separate affidavits shall be filed containing the statements of both the housing provider and purchaser for any notice filed pursuant to § 501(e) (D.C. Official Code § 42-3505.01(e)). "Personal use and occupancy" may include family or other individuals cohabitating with the housing provider or purchaser but does not include family or other individuals residing in the housing accommodation without the housing provider or purchaser.
- 4300.10 A housing provider shall not serve a notice pursuant to § 501(e) of the Act (D.C. Official Code § 42-3505.01(e)) (purchaser's personal use and occupancy) until the housing provider has given the tenant the opportunity to purchase provided by the Tenant Opportunity to Purchase Act of 1980 (D.C. Law 3-86; D.C. Official Code §§ 42-3404.01 *et seq.*) ("TOPA"), if required.
- 4300.11 A housing provider shall not serve a notice pursuant to §§ 501(f), (g), (h) or (i) of the Act ((D.C. Official Code § 42-3505.01(f), (g), (h), or (i)) based on the plans or intent of a purchaser, or other future housing provider, of a rental unit or housing accommodation to alter or renovate, demolish, substantially rehabilitate, or discontinue rental housing use of the rental unit or housing accommodation. For example, a housing provider shall not evict tenants because the housing provider has initiated the sale of a housing accommodation to another housing provider who intends to demolish the accommodation.
- 4300.12 A housing provider shall not serve a notice pursuant to § 501(f) of the Act (D.C. Official Code § 42-3505.01(f)) (unsafe alterations or renovations) without the prior approval of the Rent Administrator, granted through an approved application filed in accordance with that subsection.
- 4300.13 Any notice that seeks to evict a tenant pursuant to § 501(g) of the Act (D.C. Official Code § 42-3505.01(g)) (demolition), when filed with the Rent Administrator, shall be accompanied by a copy of the demolition permit issued by the Department of Buildings and a certification that the tenant has been given the opportunity to purchase provided by TOPA, if required.

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- 4300.14 A housing provider shall not serve a notice pursuant to § 501(h) of the Act (D.C. Official Code § 42-3505.01(h)) (substantial rehabilitation) without the prior approval of the Office of Administrative Hearings granted through a substantial rehabilitation petition, filed in accordance with § 4212 of this title.
- 4300.15 Any notice that seeks to evict a tenant pursuant to § 501(i) of the Act (D.C. Official Code § 42-3505.01(i)) (discontinuance of use), when filed with the Rent Administrator, shall be accompanied by a certification that the tenant has been given the opportunity to purchase provided by TOPA, if required, and a statement, on a form published by the Rent Administrator, that includes general information about the housing accommodation, including the address and number of rental units, the reason for the discontinuance of use, and any future plans for the property.
- 4300.16 The displacement of a tenant by administrative order due to unsafe premises shall suspend the tenant's obligation to pay rent but shall not terminate a lawful tenancy unless and until the unit has been offered for reoccupation to the tenant and the tenant has waived that right. Termination of the tenant's occupancy of the premises shall be carried out in accordance with § 103 of this title, § 108 of the District of Columbia Property Maintenance Code (12-G DCMR § 108), and § 501(n) of the Act (D.C. Official Code § 42-3505.01(n)).
- 4300.17 For the purposes of this section, the "opportunity to purchase provided by TOPA" shall mean the provision of the required, bona fide offer of sale by the housing provider and the expiration of the applicable time for the tenant(s) or an assignee to submit a statement of interest. If a statement of interest is submitted in accordance with TOPA, the housing provider shall not serve a notice to vacate until the applicable negotiation period has expired or good faith negotiations have ceased. If the housing accommodation is eligible for purchase under the District Opportunity to Purchase Amendment Act of 2008 (D.C. Law 17-286; D.C. Official Code § 42-3404.31 *et seq.*), the housing provider shall not serve a notice to vacate until the time for the Mayor or an assignee to submit a statement of interest, and, if submitted, the time to negotiate a contract of sale, has or have expired.
- 4300.18 In addition to any other remedies provided by law, a tenant may file a tenant petition in accordance with § 4214.9(a) to complain of and seek relief for any violation of this section, including compliance with the requirements of §§ 4301 or 4302.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1418-1419 (March 7, 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).