

4104 DEFECTIVE REGISTRATION

- 4104.1 The Rent Administrator shall review each Registration/Claim of Exemption Form after accepting it for filing in accordance with § 4102.10 in order to determine if the form has been properly completed.
- 4104.2 If the Rent Administrator determines at any time that a registration is defective under § 4104.3, the Rent Administrator shall notify the housing provider in writing of the specific defect(s) and allow the housing provider thirty (30) days to correct the defect(s) by returning a properly completed Registration/Claim of Exemption Form to the Rent Administrator.
- 4104.3 A “defective registration” means a Registration/Claim of Exemption Form contains incorrect or is missing information that is *de minimis* (trivial or minor) and does not materially or substantially affect the validity of the registration. Examples of such defects may include, but are not limited to, the following:
- (a) The form is not signed;
 - (b) Information is entered incorrectly on the form;
 - (c) The housing business license required by § 4102.5 exists but is not included;
 - (d) Some, but not all, contact information required by § 4102.6 is missing or incorrect; provided that all required persons are correctly identified on the form;
 - (e) Supporting documentation for a claimed exemption required by § 4106 exists but is not included; or
 - (f) Proof that the rental unit registration fee was paid as required by § 4109 exists but is not included.
- 4104.4 A defective registration shall not be deemed invalid solely because of a defective registration, unless a housing provider fails to correct the defect(s) after being provided notice.
- 4104.5 If a housing provider has been notified by the Rent Administrator of a defective registration and the housing provider does not correct the defects within thirty (30) days of the issuance of the notice, the registration shall be deemed invalid, and the housing provider shall be found to have failed to meet the registration requirements of this chapter, retroactive to the date of its filing.
- 4104.6 If a housing provider’s registration is invalidated pursuant to § 4104.5, the housing provider shall file a new Registration/Claim of Exemption Form in

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accordance with § 4102 and post or serve a copy of the form in accordance with § 4101.6.

- 4104.7 If a housing provider corrects all defects identified by the Rent Administrator within thirty (30) days of notice, the correction(s) shall be deemed incorporated into the registration, retroactive to the date of its filing.
- 4104.8 If incorrect or missing information resulting in a defective registration appears on the form that was posted or served in accordance with § 4101.6, the housing provider shall post or serve a true copy of the correction form, in the same manner as done originally, within fifteen (15) days of returning the correction form to the Rent Administrator.
- 4104.9 Nothing in this section shall be construed to protect or limit the liability of a housing provider who deceptively, fraudulently, in bad faith, or willfully omits or misstates any information required for registration.
- 4104.10 Registration/Claim of Exemption Forms that contain substantial or material misstatements or omissions shall be deemed invalid, and the housing provider shall be found to have failed to meet the registration requirements of this chapter, retroactive to the date of filing. The Rent Administrator shall promptly notify a housing provider in writing if a registration is discovered to be invalid for those reasons or is invalidated pursuant to § 4104.5 and may take any available action or pursue any available remedies to enforce the registration requirements of the Act.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1376 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).