

**8304 RENT INCREASES TO OWNER**

- 8304.1 Written Request Required. Owners may request a rent increase no later than ninety (90) days prior to any Family reexamination month. The request must be in writing.
- 8304.2 Amount of Rent Adjustment Rent. The amount of the rent adjustment to the Owner may be adjusted either up or down. Subject to compliance with § 8304.1 above, the adjusted rent to an Owner who has submitted a written request shall be the LESSER of:
- (a) The current rent multiplied by the applicable annual adjustment factor published by HUD in effect sixty (60) days before the HAP anniversary date; or
  - (b) The reasonable rent as most recently determined (or redetermined) by DCHA; or
  - (c) The amount requested by the Owner.
- 8304.3 Prerequisites to a Rent Increase. The annual lease rent may not be increased unless:
- (a) The Owner has requested a specific increase amount at least ninety (90) days before the Family's reexamination month; and
  - (b) The request is made in writing on DCHA provided forms for each unit for which an increase is being requested; and
  - (c) In the preceding year, the Owner has complied with all requirements of the HAP contract, including compliance with the Housing Quality Standards.
- 8304.4 Timing of any Increases to Rent. Housing Assistance Payment increases, if approved by DCHA, shall be effective as of the first day of the first month commencing on or after the Participant's reexamination month.
- 8304.5 Exception. Notwithstanding § 8304.1 and §§ 8304.3(a) and (b), subject to the availability of funding, at DCHA's discretion, DCHA may approve rent increases to Owners, to be effective within thirty (30) days of approval, without a prior written request from the Owner when contract rents are lower than the DCHA approved maximum rent in a submarket. However, DCHA shall only approve a rent increase to an Owner, without a prior written request from the Owner within ninety (90) days of the Family's reexamination month, when:
- (a) The Family has occupied the unit for at least twelve (12) months;

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- (b) The Owner does not have any current landlord-caused HQS inspection violations related to the unit;
- (c) The Owner did not have any HQS landlord-caused final fails related to the unit in the past twelve (12) months; and
- (d) The rent increase does not cause the Family to pay more than their current tenant portion of rent.

SOURCE: Emergency and Proposed Rulemaking published at 52 DCR 577 (January 21, 2005)[EXPIRED]; as amended by Emergency and Proposed Rulemaking published at 52 DCR 5094 (May 27, 2005)[EXPIRED]; as amended by Final Rulemaking published at 52 DCR 8631 (September 23, 2005); as amended by Final Rulemaking published at 61 DCR 6204 (June 20, 2014); as amended by Final Rulemaking published at 63 DCR 7643 (May 20, 2016).