

COUNCIL OF THE DISTRICT OF COLUMBIA

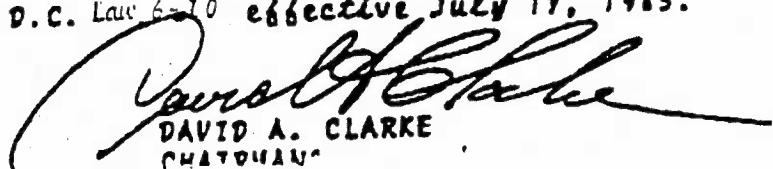
NOTICE

D.C. LAW 6-70

"RENTAL HOUSING ACT OF 1985"

Pursuant to section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-298, "the Act"; the Council of the District of Columbia adopted Bill No. 6-33 on first and second readings, April 16, 1985, and April 30, 1985, respectively. Following the signature of the Mayor on May 16, 1985, this legislation was assigned Act No. 6-23, published in the June 7, 1985, edition of the D.C. Register, (Volume 32, page 3089) and transmitted to Congress on May 21, 1985 for a thirty-day review period, in accordance with section 602(c)(1) of the Act.

Pursuant to D.C. Code Title 1-1320; Congressional review period for paragraphs (6), (8), (9) and (10) of section 205(a), Title II, of the Rental Housing Act of 1985 (D.C. Act 6-23,) has been suspended and no further action can be taken on these paragraphs of D.C. Act 6-23 until a referendum election is held. Therefore, notice is given that the thirtyday Congressional review period has expired for the Rental Housing Act of 1985, except paragraphs (6), (8), (9) and (10) of section 205(a), Title II and this enactment may be cited as D.C. Law 6-70 effective July 17, 1985.


DAVID A. CLARKE
CHIEF CLERK

D.C. LAW 6 - 10

AN ACT

~~EFFECTIVE~~ JUL 17 1985**D.C. ACT 6 - 23**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 16 1985

To provide a rent stabilization program, a tenant assistance program, eviction procedures, conversion and demolition procedures, relocation assistance; and for other purposes.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
 That this act may be cited as the "Rental Housing Act of
 1985".

TITLE I

FINDINGS; PURPOSES; DEFINITIONS

Sec. 101. Findings.

The Council of the District of Columbia finds that:

- (a) There is a severe shortage of rental housing available to citizens of the District of Columbia ("District").
- (b) The shortage of housing is growing due to the withdrawal of housing units from the housing market, deterioration of existing housing units, and the lack of development of new or rehabilitation of vacant housing units.
- (c) The shortage of housing is felt most acutely among low- and moderate-income renters, who are finding a shrinking pool of available dwellings.
- (d) The cost of basic accommodation is so high as to cause undue hardship for many citizens of the District of Columbia.
- (e) Many low- and moderate-income tenants need assistance to cover basic shelter costs, but the assistance should maximize individual choice.
- (f) The Rent Stabilization Program ("Program") has a more substantial impact upon small housing providers than on large housing providers, and small housing providers find it more difficult to use the administrative machinery of the Program.
- (g) Many small housing providers are experiencing financial difficulties and are in need of some special

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mechanisms to assist them and their tenants.

(h) The present Rent Stabilization Program should not be continued indefinitely and new approaches must be investigated to prevent the withdrawal of rental housing units from the market and the deterioration of existing rental housing units, and to increase the rental housing supply.

(i) The housing crisis in the District has not substantially improved since the passage of the Rental Housing Act of 1980.

(j) The Rent Stabilization Program should be extended for 6 years.

(k) This extension of the Rent Stabilization Program is required to preserve the public peace, health, safety, and general welfare.

Sec. 102. Purposes.

In enacting this act, the Council of the District of Columbia supports the following statutory purposes:

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(a) To protect low- and moderate-income tenants from the erosion of their income from increased housing costs;

(b) To provide incentives for the construction of new rental units and the rehabilitation of vacant rental units in the District;

(c) To continue to improve the administrative machinery for the resolution of disputes and controversies between housing providers and tenants;

(d) To protect the existing supply of rental housing from conversion to other uses; and

(e) To prevent the erosion of moderately priced rental housing while providing housing providers and developers with a reasonable rate of return on their investments.

Sec. 103. Definitions.

For the purposes of this act, the term:

(1) "Annual fair market rental amount" means the annualized sum of the rents collected for all rental units in the housing accommodation during the base calculation year, plus an amount equal to the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items, in the Washington, D.C. Standard Metropolitan Statistical Area, during each calendar year; provided, however, that if no rents were collected in the base calculation year because the housing accommodation was then under construction, the annual fair market rental amount shall be a sum equal to the rents which would have been collected during the base calculation year had the housing accommodation been 100% occupied during the entire base calculation year, the sum to be determined by appraisal, as increased by the Consumer Price Index increase under this paragraph.

(2) "Apartment improvement program" means the program which is administered with grant funds from title I of the Housing and Community Development Act of 1974, approved August 22, 1974 (88 Stat. 633; 42 U.S.C. 5301), by the District of Columbia Department of Housing and Community Development, developed by the Neighborhood Reinvestment Corporation under the National Neighborhood Reinvestment

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Corporation Act, approved October 31, 1978 (92 Stat. 2115; 42 U.S.C. 8101), and operated under the supervision of the public-private Partnership Committee, which program has been established for the purpose of finding solutions to the economic and physical distress of moderate income rental apartment buildings by joining the tenants, housing provider, noteholder, and the District government in a collective effort.

(3) "Base calculation year" means the calendar year immediately preceding the first calendar year in which a given housing accommodation is made subject to sections 205(f) through 219, or any future District law limiting the amount of rent which can lawfully be demanded or received from a tenant.

(4) "Base rent" means that rent legally charged or chargeable on April 30, 1985, for the rental unit which shall be the sum of rent charged on September 1, 1983, and all rent increases authorized for that rental 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.

(5) "Building improvement plan" means the agreement executed between the parties of interest, including the tenants, housing provider, and the District government, at a property being treated under the apartment improvement program, which agreement sets forth the remedies to the property's distress, including, but not limited to:

(A) A schedule of repairs and capital

improvements which, at a minimum, will bring the property into substantial compliance with the housing regulations;

(B) A schedule of services and facilities;

and

(C) A schedule of rent ceilings and rent increases; and which agreement is monitored by the District government until it expires upon completion of all physical improvements and other scheduled activities included therein.

(6) "Capital improvement" means an improvement or renovation other than ordinary repair, replacement, or maintenance if the improvement or renovation is deemed depreciable under the Internal Revenue Code (26 U.S.C.).

(7) "Cooperative housing association" means 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 evidence of membership, are entitled to occupy a dwelling unit under the terms of a proprietary lease or occupancy agreement.

(8) "Council" means the Council of the District of Columbia.

(9) "Distressed property" means a housing accommodation that:

(A) Is experiencing, and has experienced for at least 2 years, a negative cash flow;

(B) Has been cited by the Department of

Consumer and Regulatory Affairs as being in substantial noncompliance with the housing regulations;

(C) Has been subject to deferred maintenance as a result of negative cash flow; and

(D) Has been in arrears on either permanent mortgage loan payments, property tax payments, fuel and utility payments, or water or sewer fee payments.

(10) "Division" means the Rental Accommodations and Conversion Division as continued by section 201.

(11) "Dormitory" means any structure or building owned by an institution of higher education or private boarding school, in which at least 95% of the units are occupied by presently matriculated students of the institution of higher education or private boarding school.

(12) "Elderly tenant" means a person who is 60 years of age or older and, for the purposes of title III of this act, a person who meets the requirements of section 301(5) for eligible families and section 301(8) for lower-income families.

(13) "Equity" means the portion of the assessed value of a housing accommodation that exceeds the total value of all encumbrances on the housing accommodation.

(14) "Housing accommodation" means any structure or building in the District containing 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 60% of the rooms devoted to living quarters for tenants or guests were used for transient occupancy as of May 20, 1980. For the purposes of this act, a rental unit shall be deemed to be used for transient occupancy only if the landlord of the rental unit is subject to and pays the sales tax imposed by section 114(a)(3) of the District of Columbia Sales Tax Act, approved May 27, 1949 (63 Stat. 112; D.C. Code, sec. 47-2001(n)(1)(C)).

(15) "Housing provider" means a landlord, an owner, lessor, sublessor, assignee, or their agent, 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.

(16) "Housing regulations" means the most recent edition of the Housing Regulations of the District of Columbia as established by Commissioner's Order No. 55-1503, effective August 11, 1955.

(17) "Initial leasing period" means that period for which the first tenant of a rental unit rents the rental unit. For units described in section 209, the first tenant is the tenant who rents the rental unit immediately after the date it is first offered for rent as a rental unit which is not otherwise exempt from this act.

(18) "Interest payments" means the amount of interest paid during a reporting period on a mortgage or deed of trust on a housing accommodation.

(19) "Management fee" means the amount paid to a

managing agent and any pro rata salaries of off-site administrative personnel paid by the housing provider, if the duties of the personnel are connected with the operation of the housing accommodation.

(20) "Maximum possible rental income" means the sum of the rents for all rental units in the housing accommodation, whether occupied or not, computed over a base period of the 12 consecutive months within the 15 months preceding the date of any filing required or permitted under this act.

(21) "Mayor" means the Office of the Mayor of the District of Columbia.

(22) "Operating expenses" means the expenses required for the operation of a housing accommodation for the 12 consecutive months within the 15 months preceding the date of its use in any computation required by any provision of this act, including, but not limited to, expenses for salaries of on-site personnel, supplies, painting, maintenance and repairs, utilities, professional fees, on-site offices, and insurance.

(23) "Other income which is derived from the housing accommodation" means any income, other than rents, which a housing provider earns because of his or her interest in a housing accommodation, including, but not limited to, fees, commissions, income from vending machines, income from laundry facilities, and income from parking and recreational facilities.

(24) "Person" means an individual, corporation,

partnership, association, joint venture, business entity, or an organized group of individuals, and their respective successors and assignees.

(25) "Property taxes" means the amount levied by the District government for real property tax on a housing accommodation during a tax year.

(26) "Related facility" means 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.

(27) "Related services" means services provided by a housing provider, required by law 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.

(28) "Rent" means 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.

(29) "Rent ceiling" means that amount defined in or computed under section 206.

(30) "Rental Accommodations Act of 1975" means the Rental Accommodations Act of 1975, effective November 1, 1975 (D.C. Law 1-33).

(31) "Rental Housing Act of 1977" means the Rental Housing Act of 1977, effective March 16, 1978 (D.C. Law 2-54).

(32) "Rental Housing Act of 1980" means the Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1501 et seq.).

(33) "Rental unit" means any part of a housing accommodation as defined in paragraph (12) of this section which is rented or offered for rent for residential occupancy and includes any apartment, efficiency apartment, room, single-family house and the land appurtenant thereto, suite of rooms, or duplex.

(34) "Substantial rehabilitation" means 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 50% of the assessed value of the housing accommodation before the rehabilitation.

(35) "Substantial violation" means the presence of any housing condition, the existence of which violates the housing regulations, or any other statute or regulation relative to the condition of residential premises and may

endanger or materially impair the health and safety of any tenant or person occupying the property.

(36) "Tenant" includes a tenant, subtenant, lessee, sublessee, or other person entitled to the possession, occupancy, or the benefits of any rental unit owned by another person.

(37) "Uncollected rent" means the amount of rent and other charges due for at least 30 days but not received from tenants at the time any statement, form, or petition is filed under this act.

(38) "Vacancy loss" means the amount of rent not collectable due to vacant units in a housing accommodation. No amount shall be included in vacancy loss for units occupied by a housing provider or his or her employees or otherwise not offered for rent.

TITLE II

RENT STABILIZATION PROGRAM

Sec. 201. Continuation of Rental Housing Commission; composition; appointment; qualifications; compensation; removal.

(a) The Rental Housing Commission established by section 202 of the Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1512), is continued and shall be composed of 3 members appointed by the Mayor with the advice and consent of the Council. The members' terms shall not exceed 3 years. Members may be appointed for successive terms. The terms of members of the Rental Housing Commission appointed under the Rental Housing

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Act of 1980 shall expire upon the confirmation of at least 2 new members appointed pursuant to this section but no later than 90 days after the effective date of this act, and the Mayor shall appoint the new members within 30 days of the effective date of this act. The Mayor shall designate 1 member of the Rental Housing Commission as the chairperson and administrative head.

(b) The Rental Housing Commission shall be composed of 3 persons admitted to practice before the District of Columbia Court of Appeals. All members of the Rental Housing Commission shall be residents of the District. No member shall be either a housing provider or a tenant.

(c) Each member of the Rental Housing Commission shall receive annual compensation payable in regular installments at the rate of compensation equivalent to that received by a District employee compensated at a grade 14 of the District schedule established under title XII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-612.1 et seq.).

(d) Any person appointed to fill a vacancy on the Rental Housing Commission shall be appointed only for the unexpired term of the member whose vacancy is being filled.

(e) The Mayor shall remove any member of the Rental Housing Commission for good cause.

Sec. 202. Powers and duties of the Rental Housing Commission.

(a) The Rental Housing Commission shall:

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(1) Issue, amend, and rescind rules and procedures for the administration of this act;

(2) Decide appeals brought to it from decisions of the Rent Administrator, including appeals under the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, and the Rental Housing Act of 1980; and

(3) Certify and publish within 30 days after the effective date of this act and prior to March 1 of each subsequent year the annual adjustment of general applicability in the rent ceiling of a rental unit under section 206.

(b)(1) The Rental Housing Commission may hold hearings, sit and act at times and places within the District, administer oaths, and require by subpoena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents as the Rental Housing Commission may consider advisable in carrying out its functions under this act.

(2) A majority of the Rental Housing Commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining Rental Housing Commissioners to exercise all the powers of the Rental Housing Commission.

(3) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) of this subsection by any person who resides in, is found in, or transacts business within the District, the Superior Court of the

District of Columbia, at the written request of the Rental Housing Commission, shall issue an order requiring the contumacious person to appear before the Rental Housing Commission, to produce evidence if so ordered, or to give testimony touching upon the matter under inquiry. Any failure of the person to obey any order of the Superior Court of the District of Columbia may be punished by that Court for contempt.

(c) Upon the written request of the chairperson of the Rental Housing Commission, each department or entity of the District government may furnish directly to the Rental Housing Commission any assistance and information necessary for the Rental Housing Commission to carry out effectively this act.

(d) The Department of Consumer and Regulatory Affairs shall employ the staff necessary to assist the Rental Housing Commission in carrying out its functions.

Sec. 203. Rental Accommodations and Conversion Division.

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(a) There is continued as a division in the Department of Consumer and Regulatory Affairs, a Rental Accommodations and Conversion Division which shall have as its head a Rent Administrator to be appointed by the Mayor.

(b) The Rent Administrator shall possess experience of a technical nature in housing-provider or tenant affairs or in a field directly related to housing-provider or tenant affairs, shall be a resident of the District, and shall be entitled to receive annual compensation, payable in regular

installments, at the rate of grade 15 of the District schedule established under title XII of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective January 1, 1980 (D.C. Law 2-139; D.C. Code, sec. 1-612.1 et seq.).

Sec. 204. Duties of the Rent Administrator.

(a) The Rent Administrator shall draft rules and procedures for the administration of this act to be transmitted to the Rental Housing Commission for its action under section 202(a)(1).

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(b) The Rent Administrator shall carry out, according to rules and procedures established by the Rental Housing Commission under section 202(a)(1), the rent stabilization program established under this title, and shall perform other duties necessary and appropriate to, and consistent with this act.

(c) The Rent Administrator shall have jurisdiction over those complaints and petitions arising under titles II, IV, V, VI, and IX of this act and title V of the Rental Housing Act of 1980 which may be disposed of through administrative proceedings.

(d)(1) The Rent Administrator may employ, with funds available to the Rent Administrator, personnel and consultants, including hearing examiners, accountants, and legal counsel, reasonably necessary to carry out this act.

(2) In accordance with the regulations issued by the Rental Housing Commission, the Rent Administrator may delegate authority to those employees appointed in

conformity with paragraph (1) of this subsection. This authority may include, but is not limited to:

- (A) Hearing administrative petitions filed or initiated under this act;
- (B) Issuing decisions on the petitions; and
- (C) Rendering final orders on any petition heard by those employees.

(e) The Rent Administrator or a designee may attend all policy meetings of the Rental Housing Commission.

(f) The Rent Administrator shall establish and maintain a formal relationship with the Landlord/Tenant Branch of the Superior Court of the District of Columbia and the Metropolitan Police Department.

(g) The Rent Administrator may issue at the request of any person an advisory opinion on issues of first impression under this act.

(h)(1) The Rent Administrator may hold hearings, sit and act at those times and places within the District, administer oaths, and require by subpoena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents the Rent Administrator may consider necessary in carrying out his or her functions under this act.

(2) In the case of contumacy or refusal to obey a subpoena issued under paragraph (1) of this subsection by any person who resides in, is found in, or transacts business within the District, the Superior Court of the District of Columbia, at the written request of the Rent

Administrator, shall issue to the contumacious person an order requiring that person to appear before the Rent Administrator, to produce evidence if so ordered, or to give testimony touching upon the matter under inquiry. Any failure of that person to obey any order of the Superior Court of the District of Columbia may be punished by that Court as contempt.

(i) Upon the written request of the Rent Administrator, each department or entity of the District government may furnish directly to the Rent Administrator assistance and information necessary to discharge effectively the functions required under this act.

(j) The Rent Administrator shall publish in English and Spanish within 60 days after the effective date of this act a booklet or other written material describing the rights and obligations of tenants and housing providers and procedures under this act. This material shall be distributed through the District libraries and other District offices with which the public has frequent contact and at the office of any community organization which requests to distribute the material.

(k) The Rent Administrator shall publish within 30 days after the effective date of this act and prior to March 1 of each subsequent year in the D.C. Register the percentage increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items, in the Washington, D.C., Standard Metropolitan Statistical Area (SMSA), during the preceding calendar year.

Sec. 205. Registration and coverage.

(a) Sections 205(f) through 219, except section 217, shall apply to each rental unit in the District except:

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(1) Any rental unit in any federally or District-owned housing accommodation or in any housing accommodation with respect to which the mortgage or rent is federally or District-subsidized except units subsidized under title III;

(2) Any rental unit in any newly constructed housing accommodation for which the building permit was issued after December 31, 1975, or any newly created rental unit, added to an existing structure or housing accommodation and covered by a certificate of occupancy for housing use issued after January 1, 1980, provided, however, that this exemption shall not apply to any housing accommodation the construction of which required the demolition of an housing accommodation subject to this act, unless the number of newly constructed rental units exceeds the number of demolished rental units;

(3) Any rental unit in any housing accommodation of 4 or fewer rental units, including any aggregate of 4 rental units whether within the same structure or not, provided:

(A) The housing accommodation is owned by not more than 4 natural persons;

(B) None of the housing providers has an interest, either directly or indirectly, in any other rental unit in the District of Columbia;

(C) The housing provider of the housing accommodation files with the Rent Administrator a claim of exemption statement which consists of an oath or affirmation by the housing provider of the valid claim to the exemption. The claim of exemption statement shall also contain the signatures of each person having an interest, direct or indirect, in the housing accommodation. Any change in the operation of the exempted housing accommodation or change in the housing provider's interest in any other housing accommodation which would invalidate the exemption claim must be reported in writing to the Rent Administrator within 30 days of the change; and

(D) The limitation of the exemption to a housing accommodation owned by natural persons shall not apply to a housing accommodation owned or controlled by a decedent's estate or testamentary trust if the housing accommodation was, at the time of the decedent's death, already exempt under the terms of paragraphs 3(A) and 3(B).

(4) Any housing accommodation which has been continuously vacant and not subject to a rental agreement since January 1, 1985, and any housing accommodation previously exempt under section 205(a)(4) of the Rental Housing Act of 1980, provided that upon rerental the housing accommodation is in substantial compliance with the housing regulations when offered for rent;

(5) Any rental unit in any structure owned by a cooperative housing association, if:

(A) The proprietary lease or occupancy

agreement for the rental unit is owned by not more than 4 natural persons, who are shareholders or members of the cooperative housing association;

(B) None of the shareholders or members has an interest, directly or indirectly, in more than 4 rental units in the District of Columbia. A shareholder or member of a cooperative housing association owning a proprietary lease or occupancy agreement for a rental unit in an association shall not be deemed to have an indirect interest in any other rental unit in any structure owned by a cooperative housing association solely by virtue of ownership of a stock or membership certificate, proprietary lease, or other evidence of membership in the association; and

(C) The shareholders or members owning the proprietary lease or occupancy agreement for the rental unit file with the Rent Administrator a claim of exemption statement which consists of an oath or affirmation by the shareholders or members of a valid claim to the exemption. The claim of exemption statement shall also contain the signature of each person having an interest, direct or indirect, in the proprietary lease or occupancy agreement for the rental unit. Any change in the ownership of the proprietary lease or occupancy agreement or change in the shareholder's or member's interest in any other rental unit which would invalidate the exemption claim must be reported in writing to the Rent Administrator within 30 days of the change;

(6) Housing accommodations for which a Distressed Property Improvement Plan ("Plan") has been developed under title VIII of this act, but only during the duration of the Plan;

(7) Housing accommodations for which a building improvement plan has been executed under the apartment improvement program and housing accommodations which receive rehabilitation assistance under other multi-family assistance programs administered by the Department of Housing and Community Development, if:

(A) The building improvement plan, accompanied by a certification signed by the tenants of 70% of the occupied units, is filed with the Division at the time of execution;

(B) Upon expiration of the building improvement plan, the exemption provided under this paragraph shall terminate and the housing accommodation will again be subject to sections 205(f) through 219; and

(C) Upon expiration of the building improvement plan, and notwithstanding the provisions of section 209, the schedule of rent ceilings, services, and facilities established by the building improvement plans shall be considered the rent ceilings and service and facility levels established for the purposes of title II;

(8) Housing accommodations which are 80% vacant on April 30, 1985 if approved by the Rent Administrator as being consistent with the purposes of this act and in the interest of the remaining tenants, provided that in addition

to any rights under title VII, the housing provider must relocate each remaining tenant into decent, safe, and affordable rental housing, which is in substantial compliance with the housing regulations;

(9) Any single family housing accommodation which is owned by not more than 4 natural persons and which is vacated voluntarily, or which is vacated as a result of a legal eviction or termination of tenancy for any lawful reason, provided that upon rerental, the housing accommodation is in substantial compliance with the housing regulations when offered for rent; and

(10)(A) A rental unit which is vacated voluntarily, or which is vacated as a result of a legal eviction or termination of tenancy for any lawful reason, as provided in paragraph (10)(B) of this subsection, provided that upon rerental, the housing accommodation is in substantial compliance with the housing regulations when offered for rent.

(B) When the vacancy rate for rental housing accommodations in the District of Columbia, as determined by the United States Department of Housing and Urban Development's Annual Housing Survey published nearest to but before January 1, 1989, is equal to or higher than 6% and the Tenant Assistance Program provided in title III is funded and operating, as required by this act, then paragraph (10)(A) of this subsection shall become effective on April 30, 1989.

(b) Rent may not be increased under subsection (a)(9)

and (10) of this section if:

(1) The unit is vacated as a result of eviction or termination of tenancy where the housing provider seeks in good faith to recover possession for occupancy by the housing provider or a member of the housing provider's family, or the housing provider seeks to recover possession in order to remove permanently the unit from rental housing; or

(2) The vacating of a rental unit by a tenant as a result of a housing provider creating an unreasonable interference with the tenant's comfort, safety, or enjoyment of the rental unit or as a result of retaliatory action under section 502 of this act shall not be considered a voluntary vacating of the unit.

(c) Notwithstanding subsection (b)(1) and (2) of this section the housing provider shall be entitled to an exemption whenever the unit is next vacated in accordance with subsections (a)(9) and (10)(A) of this section after an intervening loss of the exemption.

(d) Prior to the execution of a lease or other rental agreement after the effective date of this act, a prospective tenant of any unit exempted under subsection (a) of this section shall receive a notice in writing advising the prospective tenant that rent increases for the accommodation are not regulated by the rent stabilization program.

(e) This act shall not apply to the following units:

(1) Any rental unit operated by a foreign

government as a residence for diplomatic personnel;

(2) Any rental unit in an establishment which has as its primary purpose providing diagnostic care and treatment of diseases, including, but not limited to, hospitals, convalescent homes, nursing homes, and personal care homes;

(3) Any dormitory; and

(4) Following a determination by the Rent Administrator, any rental unit intended for use as long-term temporary housing by families with 2 or more members with incomes below 50% of the District median income, for which the rent to be paid is less than the payment by the housing provider for operating costs and interest payments. The housing provider of the rental unit must be a nonprofit charitable corporation that operates the unit as part of a comprehensive social services program for these families.

(f) Within 120 days of the effective date of this act, each housing provider of any rental unit not exempted by this act and not registered under the Rental Housing Act of 1980, shall file with the Rent Administrator, on a form approved by the Rent Administrator, a new registration statement for each housing accommodation in the District for which the housing provider is receiving rent or is entitled to receive rent. Any person who becomes a housing provider of such a rental unit after the effective date of this act shall have 30 days within which to file a registration statement with the Rent Administrator. No penalties shall be assessed against any housing provider who, during the

120-day period, registers any units under this act, for the failure to have previously registered the units. The registration form shall contain, but not be limited to:

- (1) For each accommodation requiring a housing business license, the dates and numbers of that housing business license and the certificates of occupancy, where required by law, issued by the District government;
- (2) For each accommodation not required to obtain a housing business license, the information contained therein and the dates and numbers of the certificates of occupancy issued by the District government, and a copy of each certificate;
- (3) The base rent for each rental unit in the accommodation, the related services included, and the related facilities and charges;
- (4) The number of bedrooms in the housing accommodation;
- (5) A list of any outstanding violations of the housing regulations applicable to the accommodation or an affidavit by the housing provider or manager that there are no known outstanding violations; and
- (6) The rate of return for the housing accommodation and the computations made by the housing provider to arrive at the rate of return by application of the formula provided in section 212.
- (g) An amended registration statement shall be filed by each housing provider whose rental units are subject to registration under this act within 30 days of any event

which changes or substantially affects the rents including vacant unit rent increases under section 213, services, facilities, or the housing provider or management of any rental unit in a registered housing accommodation. No amended registration statement shall be required for a change in rent under section 206(b).

(h) Each registration statement filed under this section shall be available for public inspection at the Division, and each housing provider shall keep a duplicate of the registration statement posted in a public place on the premises of the housing accommodation to which the registration statement applies. Each housing provider may, instead of posting in each housing accommodation comprised of a single rental unit, mail to each tenant of the housing accommodation a duplicate of the registration statement.

Sec. 206. Rent ceiling.

(a) Except to the extent provided in subsections (b) and (c) of this section, no housing provider of any rental unit subject to this act may charge or collect rent for the rental unit in excess of the amount computed by adding to the base rent not more than all rent increases authorized after April 30, 1985, for the rental unit by this act, by prior rent control laws and any administrative decision under those laws, and by a court of competent jurisdiction. No tenant may sublet a rental unit at a rent greater than that tenant pays the housing provider.

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(b) On an annual basis, the Rental Housing Commission shall determine an adjustment of general applicability in

the rent ceiling established by subsection (a) of this section. This adjustment of general applicability shall be equal to the change during the previous calendar year, ending each December 31, in the Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items during the preceding calendar year. No adjustment of general applicability shall exceed 10%. A housing provider may not implement an adjustment of general applicability, or an adjustment permitted by subsection (c) of this section for a rental unit within 12 months of the effective date of the previous adjustment of general applicability, or instead, an adjustment permitted by subsection (c) of this section in the rent ceiling for that unit.

(c) At the housing provider's election, instead of any adjustment authorized by subsection (b) of this section, the rent ceiling for an accommodation may be adjusted through a hardship petition under section 212. Such a petition shall be clearly identified as an election instead of the general adjustments authorized by subsection (b) of this section. The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed. In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any

information request made under section 216, the rent ceiling adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period. The conditional rent ceiling adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days prior to the expiration of the 90 days, make a provisional finding as to the rent ceiling adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

(d) If on the effective date of this act the rent being charged exceeds the allowable rent ceiling, that rent shall be reduced to the allowable rent ceiling effective the next date that the rent is due. This subsection shall not apply to any rent administratively approved under the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, or the Rental Housing Act of 1980, or any rent increase authorized by a court of competent jurisdiction. The housing provider shall notify the tenant in writing of any decrease required under this act before the effective date of the decrease.

(e) A tenant may challenge a rent adjustment implemented under any section of this act by filing a petition with the Rent Administrator under section 216. No petition may be filed with respect to any rent adjustment,

under any section of this act, more than 3 years after the effective date of the adjustment, except that a tenant must challenge the new base rent as provided in section 103(2) of this act within 6 months from the date the housing provider files his base rent as required by this act.

Sec. 207. Adjustments in rent ceiling.

The rent ceiling for a particular rental unit computed according to the procedures specified in section 206 may be increased or decreased, as the case may be:

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- (1) According to section 210 to allow for the cost of capital improvements;
- (2) According to section 211 to allow for any increase or decrease of related services and facilities;
- (3) According to any final order of hardship adjustment permitted under section 212;
- (4) According to section 213 because of a vacancy;
- (5) According to section 214 because of substantial rehabilitation; or
- (6) According to section 215 because of a voluntary agreement.

Sec. 208. Increases above base rent.

(a)(1) Notwithstanding any provision of this act, the rent for any rental unit shall not be increased above the base rent unless:

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(A) The rental unit and the common elements are in substantial compliance with the housing regulations, if noncompliance is not the result of tenant neglect or

misconduct. Evidence of substantial noncompliance shall be limited to housing regulations violation notices issued by the District of Columbia Department of Consumer and Regulatory Affairs and other offers of proof the Rental Housing Commission shall consider acceptable through its rulemaking procedures;

(B) The housing accommodation is registered in accordance with section 205;

(C) The housing provider of the housing accommodation is properly licensed under a statute or regulations if the statute or regulations require licensing;

(D) The manager of the accommodation, when other than the housing provider, is properly registered under the housing regulations if the regulations require registration; and

(E) Notice of the increase complies with section 904.

(2) Where the Rent Administrator finds there have been excessive and prolonged violations of the housing regulations affecting the health, safety, and security of the tenants or the habitability of the housing accommodation in which the tenants reside and that the housing provider has failed to correct the violations, the Rent Administrator may roll back the rents for the affected rental units to an amount which shall not be less than the September 1, 1983, base rent for the rental units until the violations have been abated.

(b) A housing accommodation and each of the rental

units in the housing accommodation shall be considered to be in substantial compliance with the housing regulations if:

(1) For purposes of the adjustments made in the rent ceiling in sections 206 and 207, all substantial violations cited at the time of the last inspection of the housing accommodation by the Department of Consumer and Regulatory Affairs before the effective date of the increase were abated within a 45-day period following the issuance of the citations or that time granted by the Department of Consumer and Regulatory Affairs, and the Department of Consumer and Regulatory Affairs has certified the abatement, or the housing provider or the tenant has certified the abatement and has presented evidence to substantiate the certification. No certification of abatement shall establish compliance with the housing regulations unless the tenants have been given a 10-day notice and an opportunity to contest the certification; and

(2) For purposes of the filing of petitions for adjustments in the rent ceiling as prescribed in section 216, the housing accommodation and each of the rental units in the housing accommodation shall have been inspected at the request of each housing provider by the Department of Consumer and Regulatory Affairs within the 30 days immediately preceding the filing of a petition for adjustment.

(c) A tenant of a housing accommodation who, after receipt of not less than 5 days written notice that the housing provider desires an inspection of the tenant's

rental unit for the purpose of determining whether the housing accommodation is in substantial compliance with the housing regulations, refuses without good cause to admit an employee of the Department of Consumer and Regulatory Affairs for the purpose of inspecting the tenant's rental unit, or who refuses without good cause to admit the housing provider or the housing provider's employee or contractor for the purpose of abating any violation of the housing regulations cited by the Department of Consumer and Regulatory Affairs, will be considered to have waived the right to challenge the validity of the proposed adjustment for reasons that the rental unit occupied by the tenant is not in substantial compliance with the housing regulations.

(d) Nothing in this section shall be construed to limit or abrogate a tenant's right to initiate any lawful action to correct any violation in the tenant's rental unit or in the housing accommodation in which that rental unit is located.

(e) Notwithstanding any other provision of this act, no rent shall be adjusted under this act for any rental unit with respect to which there is a valid written lease or rental agreement establishing the rent for the rental unit for the term of the written lease or rental agreement.

(f) Any notice of an adjustment under section 206 shall contain a statement of the current rent, the increased rent, and the utilities covered by the rent which justify the adjustment or other justification for the rent increase. The notice shall also include a summary of tenant rights

under this act and a list of sources of technical assistance as published in the District of Columbia Register by the Mayor.

(g) No adjustments in rent under this act may be implemented until a full 180 days have elapsed since any prior adjustment.

Sec. 209. Rent ceiling upon termination of exemption and for newly covered rental units.

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(a) Except as provided in subsection (c) of this section, the rent ceiling for any rental unit in a housing accommodation exempted by section 205, except subsection (a)(2) or (7) of that section, upon the expiration or termination of the exemption, shall be the average rent charged during the last 6 consecutive months of the exemption, increased by no more than 5% of the average rent charged during the last 6 consecutive months of the exemption. The increase may be effected only in accordance with the procedures specified in sections 208 and 904.

(b) A structure or building, including the land appurtenant, which is located in the District in which 1 or more rental units as defined in section 101(33) are established after the effective date of this act, shall subsequently be defined as a "housing accommodation" for the purposes of this act. If any rental unit in such a housing accommodation is not otherwise exempted by 1 of the provisions of section 205, the rent ceiling for the initial leasing period or the 1st year of tenancy, whichever is shorter, shall be determined by the housing provider and is

considered to be the equivalent of making the computations specified in section 206.

(c) The rent ceilings for any rental unit exempted under section 205(a)(5) upon the expiration or termination of the exemption shall be the rent ceiling on the date the unit became exempt plus each subsequent adjustment of general applicability authorized under section 206(b).

Sec. 210. Petitions for capital improvements.

(a) On petition by the housing provider, the Rent Administrator may approve a rent adjustment to cover the cost of capital improvements to a rental unit or housing accommodation if:

(1) The improvement would protect or enhance the health, safety, and security of the tenants or the habitability of the housing accommodation; or

(2) The improvement will effect a net saving in the use of energy by the housing accommodation, or is intended to comply with applicable environmental protection regulations, if any savings in energy costs are passed on to the tenants.

(b) The housing provider shall establish to the satisfaction of the Rent Administrator:

(1) That the improvement would be considered depreciable under the Internal Revenue Code (26 U.S.C.);

(2) The amount and cost of the improvement exclusive of interest and service charges; and

(3) That required governmental permits and approvals have been secured.

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(c) Any decision of the Rent Administrator under this section shall determine the adjustment of the rent ceiling:

(1) In the case of building-wide major capital improvement, by dividing the cost over a 72-month period of amortization and by dividing the result by the number of rental units in the housing accommodation. No increase under this paragraph may exceed 20% above the current rent ceiling; and

(2) In the case of limited improvements to 1 or more rental units in a housing accommodation, by dividing the cost over a 48-month period of amortization and by dividing this result by the number of rental units receiving the improvement. No increase under this paragraph may exceed 15% above the current rent ceiling. The Rent Administrator shall make a determination that the interests of the affected tenants are being protected.

(d) Plans, contracts, specifications, and permits relating to capital improvements shall be retained for 1 year by the housing provider or its designated agent for inspection by affected tenants as the tenants may request at the housing provider's place of business in the District during working hours. If the housing provider does not have a place of business in the District, the plans, contracts, specifications, and permits relating to the capital improvements shall be made available upon request by the affected tenants at the Rental Accommodations Division.

(e)(1) A decision by the Rent Administrator on a rent adjustment under this section shall be rendered within 60

days after receipt of a complete petition for capital improvement.

(2) Failure of the Rent Administrator to render a decision pursuant to this section within the 60-day period shall operate to allow the petitioner to proceed with a capital improvement.

(f) Any tenant displaced from a rental unit by the capital improvement of the unit or the housing accommodation under this section shall have a right to rerent the rental unit immediately upon the completion of the work.

(g) The housing provider may make capital improvements to the property before the approval of the rent adjustment by the Rent Administrator for the capital improvements where the capital improvements are immediately necessary to maintain the health or safety of the tenants.

(h) A housing provider may adjust the rent ceiling for any rental unit to provide for the cost of any capital improvements which are required by provisions of any federal or local statute or regulation becoming effective after October 30, 1980, amortized over the useful life of the improvements, and the cost of the improvements applied on an equal basis to those rental units within the housing accommodation which benefit from the improvement, by filing with the Division a certificate of calculation for mandated capital improvement increase. The certificate shall establish:

(1) That the improvement is required by the provisions of a federal or District statute or regulation

becoming effective after October 30, 1980;

(2) The amount of the cost of the improvements;
and

(3) That required governmental permits and approvals have been secured.

(i) The housing provider may petition the Rent Administrator for approval of the rent adjustment for any capital improvements made under subsection (g) of this section, if the petition is filed with the Rent Administrator within 10 calendar days from the installation of the capital improvements.

Sec. 211. Services and facilities.

If the Rent Administrator determines that the related services or related facilities supplied by a housing provider or a housing accommodation or for any rental unit in the housing accommodation are substantially increased or decreased, the Rent Administrator may increase or decrease the rent ceiling, as applicable, to reflect proportionally the value of the change in services or facilities.

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Sec. 212. Hardship petition.

(a) Where an election has been made under section 206(c) to seek a rent adjustment through a hardship petition, the Rent Administrator shall, after review of the figures and computations set forth in the housing provider's petition, allow additional increases in rent which would generate no more than a 12% rate of return computed according to subsection (b) of this section.

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(b) In determining the rate of return for each housing

accommodation, the following formula, computed over a base period of the 12 consecutive months within 15 months preceding the filing of a petition under this act, shall be used to:

(1) Obtain the net income by subtracting from the sum of maximum possible rental income which can be derived from a housing accommodation to which this section applies and the maximum amount of all other income which can be derived from the housing accommodation the following:

(A) The operating expenses, but the following items shall not be allowed as operating expenses:

(i) Membership fees in organizations established to influence legislation and regulations;

(ii) Contributions to lobbying efforts;

(iii) Contributions for legal fees in the prosecution of class action cases;

(iv) Political contributions to candidates for office;

(v) Mortgage principal payments;

(vi) Maintenance expenses for which the housing provider has been reimbursed by any security deposit, insurance settlement, judgment for damages, agreed upon payments, or any other method;

(vii) Attorney's fees charged for services connected with counseling or litigation related to actions brought by the District government due to the housing provider's repeated failure to comply with applicable housing regulations as evidenced by violation

notices issued by the Department of Consumer and Regulatory Affairs; and

(viii) Any expenses for which the tenant has lawfully paid directly;

(B) The management fee, where applicable, of not more than 6% of the maximum rental income of the housing accommodation unless an additional amount is approved by the Rent Administrator as follows:

(i) The housing provider shall first file with the Rent Administrator a petition which contains information the Rent Administrator may require, including, but not limited to, the name of the payee; and

(ii) If the Rent Administrator determines, based on the petition and other information the Rent Administrator may require, that the excess over 6% of maximum possible income or part of income is reasonable, the Rent Administrator may permit the same excess or so much of the excess as is reasonable;

(C) Property taxes;

(D) Depreciation expenses to the extent reflected in decreased real property tax assessments;

(E) Vacancy losses for the housing accommodation of not more than 6% of the maximum rental housing income of the housing accommodation unless an additional amount is approved by the Rent Administrator;

(F) Uncollected rents; and

(G) Interest payments;

(2) Then, divide the net income by the housing

provider's equity in the housing accommodation to determine the rate of return.

(c) The Rent Administrator shall accord an expedited review process for a petition filed under this section and shall issue and publish a final decision within 90 days after the petition has been filed. If the Rent Administrator does not render a final decision within 90 days from the date the petition is filed, the rent ceiling adjustment requested in the petition may be conditionally implemented by the housing provider. The conditional rent ceiling adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, and the Rent Administrator, by order served upon the parties at least 10 days prior to the expiration of 90 days, makes a provisional finding as to the rent ceiling adjustment justified by the petition, the housing provider may implement only the amount of the rent ceiling adjustment authorized by the order. Except to the extent modified by this subsection, the provisions of section 216 shall apply to any adjustment under this section.

Sec. 213. Vacant accommodation.

(a) When a tenant vacates a rental unit on the tenant's own initiative or as a result of a notice to vacate for nonpayment of rent, violation of an obligation of the tenant's tenancy, or use of the rental unit for illegal purpose or purposes as determined by a court of competent jurisdiction, the rent ceiling may, at the election of the

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housing provider, be adjusted to either:

(1) The rent ceiling which would otherwise be applicable to a rental unit under this act plus 12% of the ceiling once per 12-month period; or

(2) The rent ceiling of a substantially identical rental unit in the same housing accommodation, except that no increase under this section shall be permitted unless the housing accommodation has been registered under section 205(d).

(b) For the purposes of this section, rental units shall be defined to be substantially identical where they contain essentially the same square footage, essentially the same floor plan, comparable amenities and equipment, comparable locations with respect to exposure and height, if exposure and height have previously been factors in the amount of rent charged, and in comparable physical condition.

(c) No rent increase under subsection (a)(1) and (2) may be sought or granted within the 12-month period following the implementation of a hardship increase under section 212.

Sec. 214. Substantial rehabilitation.

(a) If the Rent Administrator determines that (1) a rental unit is to be substantially rehabilitated, and (2) the rehabilitation is in the interest of the tenants of the unit and the housing accommodation in which the unit is located, the Rent Administrator may approve, contingent upon completion of the substantial rehabilitation, an increase in

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the rent ceiling for the rental unit, if the rent increase is no greater than the equivalent of 125% of the rent ceiling applicable to the rental unit prior to substantial rehabilitation.

(b) In determining whether a housing unit is to be substantially rehabilitated, the Rent Administrator shall examine the plans, specifications, and projected costs for the rehabilitation, which shall be made available to the Rent Administrator by the housing provider of the rental unit or housing accommodation to be rehabilitated.

(c) In determining whether substantial rehabilitation of a housing accommodation is in keeping with the interest of the tenants, the Rent Administrator shall consider, among other relevant factors:

(1) The impact of the rehabilitation on the tenants of the unit or housing accommodation; and

(2) The existing condition of the rental unit or housing accommodation and the degree to which any violations of the housing regulations in the rental unit or housing accommodation constitute an impairment of the health, welfare, and safety of the tenants.

(d) This section shall apply to the following:

(1) Any rental unit with respect to which a housing provider has notified the tenant, after the effective date of this act, of an intent to substantially rehabilitate; and

(2) Any rental unit with respect to which, before the effective date of this act:

(A) The housing provider has notified the tenant of the intended substantial rehabilitation; and

(B) All the tenants have left.

Sec. 215. Voluntary agreement.

(a) Seventy percent or more of the tenants of a housing accommodation may enter into a voluntary agreement with the housing provider:

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(1) To establish the rent ceiling;

(2) To alter levels of related services and facilities; and

(3) To provide for capital improvements and the elimination of deferred maintenance (ordinary repair).

(b) The voluntary agreement must be filed with the Rent Administrator and shall include the signature of each tenant, the number of each tenant's rental unit or apartment, the specific amount of increased rent each tenant will pay, if applicable, and a statement that the agreement was entered into voluntarily without any form of coercion on the part of the housing provider. If approved by the Rent Administrator the agreement shall be binding on the housing provider and on all tenants.

(c) Where the agreement filed with the Rent Administrator is to have the rent ceiling for all rental units in the housing accommodation adjusted by a specified percentage, the Rent Administrator shall immediately certify approval of the increase.

Sec. 216. Adjustment procedure.

(a) The Rent Administrator shall consider adjustments

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allowed by sections 210, 211, 212, and 213 or a challenge to a section 206 adjustment, upon a petition filed by the housing provider or tenant. The petition shall be filed with the Rent Administrator on a form provided by the Rent Administrator containing the information the Rent Administrator or the Rental Housing Commission may require. The Rent Administrator shall issue a decision and an order approving or denying, in whole or in part, each petition within 120 days after the petition is filed with the Rent Administrator. The time may be extended only by written agreement between the housing provider and tenant of the rental unit.

(b) Immediately upon receipt of the petition, the Rent Administrator shall notify the nonpetitioning party, housing provider or tenant, by certified mail or other form of service which assures delivery of the petition, and of the right of either party to make, within 15 days after the receipt of the notice, a written request for a hearing on the petition. The Rent Administrator may deny the petition if the issue is moot or the section does not comply with subsection (a) of this section.

(c) If a hearing is requested timely by either party, notice of the time and place of the hearing shall be furnished the parties by certified mail or other form of service which assures delivery at least 15 days before the commencement of the hearing. The notice shall inform each of the parties of the party's right to retain legal counsel to represent the party at the hearing.

(d) Each housing provider of any rental unit with respect to which a petition is filed or initiated under this section shall submit to the Rent Administrator, within 15 days after a demand is made, an information statement, on a form approved by the Rent Administrator, containing the information the Rent Administrator or the Rental Housing Commission may require.

(e) The Rent Administrator may consolidate petitions and hearings relating to rental units in the same housing accommodation.

(f) The Rent Administrator may, without holding a hearing, refuse to adjust the rent ceiling for any rental unit, and may dismiss any petition for adjustment, if a final decision has been made on a petition filed under this section, the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, or the Rental Housing Act of 1980 for adjustment to the same rental units within the 6 months immediately preceding the filing of the pending petition.

(g) All petitions filed under this section, all hearings held relating to the petitions, and all appeals taken from decisions of the Rent Administrator shall be considered and held according to the provisions of this section and title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Code, sec. 1-1501 et seq.). In the case of any direct, irreconcilable conflict between the provisions of this section and the District of Columbia Administrative Procedure Act, the District of Columbia Administrative

Procedure Act shall prevail.

(h) Decisions of the Rent Administrator shall be made on the record relating to any petition filed with the Rent Administrator. An appeal from any decision of the Rent Administrator may be taken by the aggrieved party to the Rental Housing Commission within 10 days after the decision of the Rent Administrator, or the Rental Housing Commission may review a decision of the Rent Administrator on its own initiative. The Rental Housing Commission may reverse, in whole or in part, any decision of the Rent Administrator which it finds to be arbitrary, capricious, an abuse of discretion, not in accordance with the provisions of this act, or unsupported by substantial evidence on the record of the proceedings before the Rent Administrator, or it may affirm, in whole or in part, the Rent Administrator's decision. The Rental Housing Commission shall issue a decision with respect to an appeal within 30 days after the appeal is filed.

(i) No increase in rent allowed under this act shall be implemented unless the tenant concerned has been given written notice under section 904.

(j) A copy of any decision made by the Rent Administrator, or by the Rental Housing Commission under this section shall be mailed by certified mail or other form of service which assures delivery of the decision to the parties.

(k) The Rent Administrator and, where applicable, the Rental Housing Commission shall accord priority to a housing

provider hardship petition covering a housing accommodation for which the federal government is entitled to approve rent increases, where the processing of such a petition has not begun within 45 days immediately following the filing of the petition. Processing of the petitions shall begin no later than 5 days after receipt by the Rent Administrator of written requests from the housing provider and from the federal agency.

(1) No rent increase above that authorized by the Rent Administrator may be implemented by a housing provider during the pendency of an appeal by that housing provider to the Rental Housing Commission or the District of Columbia Court of Appeals where the appeal concerns the validity of that increase.

Sec. 217. Security deposit.

No person shall demand or receive a security deposit from any tenant for a rental unit occupied by the tenant upon the effective date of this act, where no security deposit had been demanded or received of the tenant for the rental unit before the effective date of this act, but this provision shall not prevent the collection of security deposits for newly constructed units or units exempted under section 205(a)(4) and (7). Security deposits shall be collected pursuant to the Security Deposit Act, effective February 20, 1976 (D.C. Law 1-48; 18 DCMR 308 et seq.).

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Sec. 218. Remedy.

The Rental Housing Commission, Rent Administrator, or any affected housing provider or tenant may commence a civil

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action in the Superior Court of the District of Columbia to enforce any rule or decision issued under this act.

Sec. 219. Judicial review.

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Any person or class of persons aggrieved by a decision of the Rental Housing Commission, or by any failure on the part of the Rental Housing Commission or Rent Administrator to act within any time certain mandated by this act, may seek judicial review of the decision or an order compelling the decision by filing a petition for review in the District of Columbia Court of Appeals.

Sec. 220. Report of the Mayor.

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(a) No later than October 1, 1988, the Mayor shall report to the Council on the continued need for the rent stabilization program.

(b) The report shall be prepared by a person not affiliated with the District government and shall contain:

(1) The number of new and renovated units which have been placed on the rental housing market since the effective date of this act;

(2) The number of new and renovated units it is anticipated will be placed on the rental housing market annually until 1996;

(3) An assessment of the effectiveness of the Tenant Assistance Program; the adequacy of monies appropriated for the program; and the projected costs of the Tenant Assistance Program in the absence of rent stabilization legislation;

(4) The impact of the rent stabilization program

on the cost and supply of rental housing;

(5) An assessment of the present rent stabilization program in terms of its being understandable, efficient, inexpensive, equitable, and flexible;

(6) The impact of the present rent stabilization program upon small housing providers compared to large housing providers;

(7) The number of District residents living in substandard housing and their locations;

(8) An assessment of the impact of the proposed civil infractions law on housing code violations, if the law is enacted in a timely manner;

(9) An assessment of the probable impact on the private rental housing market and the present rent stabilization program of the following individual or combination of factors;

(A) Vacancy decontrol;

(B) Luxury decontrol;

(C) Increasing from 4 units to 10 units the maximum rental units exemption under section 205(a)(3); and

(D) Tying the rent stabilization program to the amount of family income available for rent; and

(10) Any other information considered appropriate by the drafters of the report.

Sec. 221. Certificate of assurance.

(a) Upon the issuance of any building permit for a housing accommodation to which section 205(a)(2) or (4) applies after the effective date of this act, the Mayor

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shall at the request of the recipient of the building permit issue to the recipient thereof concurrently with the building permit a certificate of assurance containing the terms set forth in this section. Within 30 days of written request of the owner of any housing accommodation to which section 205(a)(2) or (4) applies, the Mayor shall issue to the owner a certificate of assurance containing the terms set forth in this section.

(b) The certificate of assurance shall provide that in the event that any rental unit in any housing accommodation then existing or thereafter constructed on the property covered by the certificate is ever made subject to section 205(f) through 219, or any future District of Columbia law limiting the amount of rent which a housing provider can lawfully demand or receive from a tenant, the owner of the property shall have the right to recover annually from the District of Columbia for so long as the property is used as a housing accommodation, in accordance with subsection (c), the difference between the annual fair market rental amount and the annual amount of rent that the owner of the property actually receives from the tenants in the housing accommodation. The certificate of assurance shall be executed by the Mayor and the recipient and shall obligate the recipient to use the recipient's best efforts to construct a housing accommodation as expeditiously as possible on the property which is the subject thereof if there does not then exist a housing accommodation on the property. Each certificate of assurance shall provide that

it shall become null and void in the event that a housing accommodation is not constructed on the property within 5 years of the issuance thereof and shall contain the definitions set forth in sections 103(1) and (3). The certificate of assurance shall be an irrevocable agreement in recordable form and constitute a covenant running with the land. The Mayor shall review the proposed form of the certificate of assurance with Council's Committee on Consumer and Regulatory Affairs prior to its first use to ensure that the form will be legal, valid and enforceable, contain the terms provided for herein, and otherwise further its intended purpose of stimulating the addition of rental units to the District's housing stock.

(c) The certificate of assurance shall provide that for so long as the property is used as a housing accommodation and is subject to sections 205(f) through 219, or any future District of Columbia law limiting the amount of rent which a housing provider can lawfully demand or receive from a tenant, the annual difference between the annual fair market rental amount and the annual amount of rent that the owner of the property actually receives from the tenants in the housing accommodation shall be recoverable by the owner of the property by (1) taking a credit against any present or future District of Columbia real estate taxes payable by the owner of the property whether on the housing accommodation or other property located in the District of Columbia, or (2) seeking specific performances of the certificate of assurance against the

District of Columbia, or damages for the breach thereof, in the Superior Court of the District of Columbia. If the Mayor considers the credit to be in excess of the amount the owner of the property is entitled to take as a credit hereunder, the Mayor shall notify the owner in writing of the amount of excess credit. If the Mayor and the owner of the property are unable to agree on the amount of the credit, the Mayor shall have the right to sue the owner in the Superior Court of the District of Columbia to recover any excess credit together with interest thereon at the rate of 18% per year from the date that the Mayor filed to recover such excess credit. Notwithstanding any other provision of District of Columbia law, the Mayor shall have no resort to any other remedy for nonpayment of real estate taxes (to the extent such nonpayment arises from a credit claimed hereunder) until a final judgment is rendered in favor of the Mayor in Superior Court of the District of Columbia.

TITLE III

TENANT ASSISTANCE PROGRAM

Sec. 301. Definitions.

For the purpose of this title, the term:

(1) "Annual adjusted income" means income that remains after excluding:

(A) Four hundred eighty dollars (\$480) for each member of the family residing in the household, other than the head of the household or spouse, who is under 18 years of age or who is 18 years of age or older and is

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disabled, handicapped, or a full-time student; and

(B) Child care expenses to the extent necessary to enable another member of the family to be employed or to further the member's education.

(2) "Certificate of eligibility" means a document issued by the Department declaring a family to be eligible for participation in the Tenant Assistance Program and stating the terms and conditions for the family's participation.

(3) "Decent, safe, and sanitary housing" means housing which is in compliance with the housing regulations, any other statute or regulation governing the condition of residential premises, and the requirements set forth in this title.

(4) "Department" means the Department of Housing and Community Development, which is authorized to assist in the administration of the Tenant Assistance Program.

(5) "Eligible family" means an individual or a family residing and domiciled in the District which qualifies as a lower income family at the time it initially receives assistance under the Tenant Assistance Program.

(6) "Fair market rent" means the rent, and all maintenance, management, and other services which would be required to be paid in order to obtain privately owned, decent, safe, and sanitary rental housing of modest nonluxury nature with suitable amenities in the District. Fair market rents as established by the Department shall be published in the D.C. Register and shall vary for dwelling

units of varying sizes and types, with differentials for new, rehabilitated, and existing units. For SRO housing the fair market rent shall be in a range from 75% to 100% of the 0-bedroom fair market rent.

(7) "Handicapped person" means a person who has a medically determinable physical impairment, including blindness, which prohibits and incapacitates 75% of that person's ability to move about, to assist himself or herself, or to engage in an occupation.

(8) "Lower-income family" means a household with a combined annual income in a manner to be determined by the Mayor, whose income does not exceed 80% of the median income for a family in the District, with adjustments for smaller and larger families. The Mayor may refer to income or consumer expenditure data of the United States Census Bureau or the United States Department of Labor to determine median income for the District or Standard Metropolitan Statistical Area (SMSA).

(9) "Request for lease approval" means a standard form on which the eligible family and the housing provider jointly request the Department to approve a dwelling unit for purposes of tenant assistance. The form shall require the housing provider to state the number of bedrooms in the unit and to certify the most recent rent charged.

(10) "Residing and domiciled" describes a person who resides in the District, pays income tax in the District, whose automobile is registered in the District, and, if a registered voter, votes in the District.

(11) "SRO (Single Room Occupancy) housing" means a unit for occupancy by a single, eligible individual capable of independent living that does not contain sanitary or food preparation facilities.

(12) "Tenant assistance contract" means a written contract between the Department and a housing provider, in the form prescribed by the Mayor, to make tenant assistance payments to a housing provider on behalf of an eligible family.

Sec. 302. Establishment of Tenant Assistance Program; designation of monies.

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(a) For the purpose of aiding lower-income families in obtaining a decent place to live, the Mayor shall formulate and administer a Tenant Assistance Program as provided in this title.

(b) There is authorized to be appropriated at least \$15 million for fiscal year 1987 with annual increases in the following fiscal years based upon need and the availability of revenues.

(c) If in any fiscal year the Mayor finds that tenant assistance payments will exceed appropriations, the Mayor shall transmit to the Council proposed adjustments to eligibility criteria, income guidelines, or supplement payments to reduce payments under this title to an amount not in excess of appropriations.

(d) In accordance with section 804(d), the Mayor may designate a portion of the monies authorized to be appropriated by this act to make assistance payments

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pursuant to contracts with housing providers or prospective housing providers who agree to rehabilitate housing in which some or all of the units shall be available for occupancy by eligible families in accordance with this title.

(e) The Mayor shall issue rules consistent with this title for the effective and efficient administration of the Tenant Assistance Program.

Sec. 303. Authorization to enter into contracts for tenant assistance payments; determination of eligibility; procedure upon determination of eligibility.

New,
D.C. Code
sec. 45-
(1986 sub)

(a) The Mayor may enter into contracts to make rental assistance payments to housing providers of rental dwelling units on behalf of eligible families in accordance with this section.

(b) Notwithstanding any other provision of this title, no fair market rent shall vary more than 20% above the following amounts:

Unit Size (by bedrooms)	Fair Market Rent Per month
0	\$ 405
1	\$ 520
2	\$ 640
3	\$ 735
4+	\$ 845

(c) Applications to participate in the Tenant Assistance Program shall be submitted to the Department and shall be in a form designated by the Department. The Department shall be responsible for verifying the sources of the family's income and gathering information necessary for

determining eligibility and the amount of the assistance payment. Priority shall be given to the elderly, the handicapped, and female-headed households.

(d) If an applicant is determined by the Department to be eligible and is selected for participation, the applicant shall be given a certificate of eligibility. At the same time, the family shall be given a certificate holder's packet which contains a request for lease approval, a list of properties for rent, information concerning recently completed housing, if any, including the location, and other items the Department determines should be included. In addition, the Department shall provide a full explanation of the following to assist the family in finding a suitable rental unit and to apprise the family and the housing provider of their respective responsibilities:

- (1) Family and housing provider responsibilities under the lease contract;
 - (2) The general locations and characteristics of the neighborhood in which units of suitable quality and price may be found;
 - (3) Applicable laws and housing standards;
 - (4) Significant aspects of applicable federal and District law, including fair housing law;
 - (5) The applicable fair market rent; and
 - (6) Information on how the Department computes the amount of the tenant assistance payment.
- (e) Upon determination of eligibility the Department shall enter on each certificate the smallest unit-size

appropriate for the eligible family consistent with the following criteria:

(1) The number of bedrooms indicated as appropriate shall not require more than 2 persons to occupy the same bedroom.

(2) The number of bedrooms indicated as appropriate shall not require persons of the opposite sex other than the husband and wife, except for children under 12 years of age, to occupy the same bedroom.

(3) All single-person households shall be assigned a 0-bedroom unit if 0-bedroom units are available. Where there are no 0-bedroom units available, single-person households shall be assigned a 1-bedroom unit. An elderly, handicapped, or disabled single person planning to live with an unrelated person essential to his or her care may be assigned a 2-bedroom unit.

(f)(1) The Department shall maintain a system to assure that it will be able to honor all outstanding certificates of eligibility with its funding authorization.

(2) Nothing in this title shall be construed as creating an entitlement to assistance payments in the absence of appropriations sufficient to fund this program.

(g)(1) The certificate of eligibility shall expire at the end of 60 days unless within that time the family submits a completed request for lease approval. If the certificate expires, or is about to expire, the family may submit the certificate to the Department with a request for an extension. The Department may grant 1 or more extensions

not to exceed a total of 60 days. Expiration of the certificate shall not preclude the family from filing a new application for another certificate.

(2) If an assisted family notifies the Department that it wishes to obtain another certificate of eligibility for the purpose of moving to another rental unit within the District, the Department shall issue another certificate or process a request for lease approval, unless the Department determines that the housing provider is entitled to payment under section 304(d) on account of nonpayment of rent or other amount owed under the lease, and that the family has failed to satisfy any liability.

(h) Owners of rental accommodations in the District shall notify tenants of the existence of the Tenant Assistance Program and shall refer interested parties to the Department for further information.

Sec. 304. Tenant assistance payments.

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(a) Basic formula.-- (1) The amount of the tenant assistance payment shall be the amount by which the actual rent or fair market rent applicable to the family, whichever is lower, exceeds 30% of the family's monthly income. Where the head of household is an elderly or handicapped tenant, the amount of the tenant assistance payment shall be the amount by which the actual rent or fair market rent, whichever is lower, exceeds 25% of the family's monthly income. Monthly income is 1/12 of annual adjusted income. Annual income is the anticipated total income from all sources received by the family head and spouse, even if

temporarily absent, and by each additional member of the family, including all net income derived from assets, for the 12-month period following the effective date of the Department's initial determination or reexamination of income, exclusive of income that is temporary, nonrecurring, or sporadic such as irregular gifts, scholarships, inheritances, insurance payments, and capital gains. Annual income is also exclusive of income from employment of children, including foster children, under the age of 18 years; payments received for the care of foster children; the value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977, approved September 29, 1977 (91 Stat. 958; 7 U.S.C. secs. 2011-2019); and payments or allowances made under the Low-Income Home Energy Assistance Act of 1981, approved August 13, 1981 (95 Stat. 893; (42 U.S.C. 8621 et seq.), and the District of Columbia Low Income Energy Assistance Program.

(2) Annual income includes, but is not limited

to:

(A) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;

(B) The net income from operation of a business or profession (for this purpose, expenditures for business expansion or amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from a

business);

(C) Interest, dividends, and other net income of any kind from real or personal property (for this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property). Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of the assets based on the current passbook savings rate as determined by the Department;

(D) The full amount of periodic payments received from Social Security annuities, insurance policies, retirement funds, pensions, disability or death benefits or other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment;

(E) Welfare assistance;

(F) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;

(G) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the rental unit;

(H) All regular pay, special pay, and allowances of a member of the armed forces, whether or not

living in the rental unit, who is head of the family, spouse, or other person whose dependents are residing in the unit; and

(I) Any earned income tax credit to the extent it exceeds income tax liability.

(b) Applicable fair market rent.-- The Department shall compute the tenant assistance payment for a family entering the Tenant Assistance Program on the most recent published fair market rents on the date of lease approval for the family.

(c) Rent not capped by payment standard.-- Under the tenant assistance payment computation described in subsections (a) and (b) of this section, the amount of tenant assistance payment does not increase if the unit rents for more than the applicable fair market rent, but a tenant is not prohibited from renting such a unit.

(d) No reimbursement of amounts family owes housing provider.-- The Department shall not reimburse the housing provider for the portion of the rent not covered by the tenant assistance payment, damages, or other amounts due under the lease.

(e) No payments for vacancies.-- If a family moves out, the housing provider shall promptly notify the Department and the Department shall make no additional tenant assistance payments to the housing provider for any month after that in which the family moves. The housing provider may retain the tenant assistance payment for the month in which the family moves.

(f) Affordability adjustments of tenant assistance payments-- (1) In addition to adjustments of assistance payments resulting from the annual reexamination of family income and composition required under this section, the Mayor may establish an adjusted fair market rent, under section 303(b), not more than, twice during any 4-year period where the Mayor determines that the adjustment is necessary to assure continued affordability of housing by participating families.

(2) If the Mayor determines adjustments are necessary under this subsection, the Mayor shall make adjustments apply for all participating families.

(g) Finders-keepers policy-- (1) A family with a certificate of eligibility is responsible for finding a rental unit suitable to the family's needs and desires. A family may select the rental unit which it already occupies if the unit qualifies. Upon request, the Department shall assist families in finding units where, because of age, handicap, large family size, or other reasons, the family is unable to locate an approvable unit. The Department shall also provide this assistance where the family alleges that illegal discrimination on grounds of race, religion, sex, national origin, age, or handicap is preventing it from finding a suitable unit.

(2) Neither in assisting a family in finding a unit nor by any other action shall the Department directly or indirectly reduce the family's opportunity to choose among the available units in the housing market, except in

accordance with section 302(d).

Sec. 305. Approval and maintenance of rental units; obligations of families.

New,
D.C. Code
sec. 45-7
(1986 sui)

(a) Rental units which the Department determines are decent, safe, and sanitary as required by the housing regulations, any other statute or regulation governing the condition of residential premises, and the requirements of this title are eligible for tenant assistance.

(b) The following units are not eligible for tenant assistance as provided by this title:

(1) Housing which is assisted under any federal housing program;

(2) Nursing homes, units within the grounds of penal, reformatory, medical and similar public or private institutions, and facilities providing continual psychiatric, medical, or nursing service; or

(3) Units occupied by the housing provider.

(c) As required by the Department, units shall be inspected to determine whether they are decent, safe, and sanitary as set forth in section 301(2). Regardless of the number of bedrooms stated on the certificate of eligibility, the Department shall not prohibit a family from renting an otherwise acceptable unit on the ground that it is too large for the family. If the Department determines that the assisted unit occupied by a participating family does not meet the space requirement because of an increase in family size or a change in family composition, the Department shall issue the participating family a new certificate of

eligibility. If an acceptable unit is found that is available for occupancy by the family, the Department shall terminate the tenant assistance contract for the original unit in accordance with its terms.

(d) The following maintenance, operation, and inspection requirements shall apply:

(1) The housing provider shall provide all the services, maintenance, and utilities which the housing provider agrees to provide under the contract, subject to abatement of housing assistance payments or other applicable remedies if the housing provider fails to meet these obligations.

(2) A housing provider may collect a security deposit from a family not to exceed 1 month's rent. If the family determines it is unable to pay the security deposit, it may apply to the Department for a repayable advance to cover the difference between the amount the family can afford, as determined by the Department, and the security deposit requested by the housing provider. When the Department decides to provide an advance to the family, the family shall enter into an agreement with the Department for repayment on terms prescribed by the Department. The Department shall establish a reasonable schedule for the repayment to minimize the hardship for the family.

(3) Subject to District law, after the family moves from the unit the housing provider may use the security deposit as reimbursement for any unpaid rent payable by the family or other amounts which the family owes

under the lease. The housing provider shall give the family a written list of all items charged against the security deposit and the amount of each item. After deducting the amount used to reimburse the housing provider, the housing provider shall refund promptly to the family the full amount of the unused balance.

(4) The Department shall conduct reexaminations of family income and composition at least annually. The Department shall adjust the amount of each family's tenant assistance payment at the time of the annual reexamination to reflect any changes in family monthly income using the applicable payment or adjustment standard.

(e)(1) A family shall:

(A) Supply any certification, release, information, or documentation the Department determines to be necessary in the administration of the program;

(B) Allow the Department to inspect the rental unit at reasonable times and after reasonable notice;

(C) Notify the Department before vacating the rental unit; and

(D) Use the rental unit solely for residence by the family, and as the family's principal place of residence, and shall not sublease or assign the lease or transfer the unit.

(2) A family shall not:

(A) Own or have any interest in the dwelling unit;

(B) Commit any fraud in connection with the

Tenant Assistance Program; and

(C) Receive duplicative assistance under the Tenant Assistance Program and any other federal or District housing assistance program.

Sec. 306. Continued eligibility.

(a) Sixty days prior to the expiration of any tenant assistance authorized under this title, the Department shall notify the tenant, in writing, that the tenant assistance is about to expire and that the tenant, if eligible and desiring to continue to receive tenant assistance, must reapply within 30 days upon receipt of the notice. The tenant shall reapply by executing under oath or affirmation a statement of continued eligibility on a form approved by the Department and by submitting the form to the Department. Unless the Department determines that the person is not eligible, tenant assistance shall continue for the succeeding 12 months.

New,
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Sec. 307. Termination of eligibility.

(a) If, at any time, a tenant receiving tenant assistance fails to satisfy the requirements of this title relating to conditions of eligibility, the tenant shall immediately notify the Department, in writing, of the ineligibility. Tenant assistance shall terminate on the next day thereafter upon which the rent is due.

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(b) If, at any time, the Department determines that a tenant receiving tenant assistance is not, or has ceased to be, eligible for tenant assistance, the Department shall notify the tenant and housing provider in writing, setting

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forth the reasons for the determination. Tenant assistance payments shall terminate on the next day the rent is due occurring at least 30 days after the date the notice is given, unless, within 15 days after the receipt of the notice, the tenant submits to the Department a written statement, under oath or affirmation, including any available supporting documents, asserting the tenant's reasons for alleging continued eligibility. Within 30 days following the receipt of the statement and documents, the Department shall make the final determination of the tenant's eligibility for continued receipt of tenant assistance.

Sec. 308. Tax exemption.

All monies received by any tenant through the Tenant Assistance Program under this title are exempt from District income taxes payable under chapter 18 of title 47 of the D.C. Code.

New,
D.C. Co
sec. 45
Note,
D.C. Co
sec. 47
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TITLE IV

REVENUE

Sec. 401. Rental unit fee.

Each housing provider required to register under this act shall pay a fee of \$10 for each rental unit in a housing accommodation registered by the housing provider. The fee shall be paid annually to the District government at the time the housing provider applies for a business license or a renewal of the license; or in the case of a housing accommodation for which no license is required, at the time and in the manner the Commission may determine. Fees shall

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be deposited in a timely manner in depositories designated by the District government for those purposes.

TITLE V

EVICTIONS; RETALIATORY ACTION

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sec. 4
(1986)

Sec. 501. Evictions.

(a) Except as provided in this section, no tenant shall be evicted from a rental unit, notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant continues to pay the rent to which the housing provider is entitled for the rental unit. No tenant shall be evicted from a rental unit for any reason other than for nonpayment of rent unless the tenant has been served with a written notice to vacate which meets the requirements of this section. Notices to vacate for all reasons other than for nonpayment of rent shall be served upon both the tenant and the Rent Administrator. All notices to vacate shall contain a statement detailing the reasons for the eviction, and if the housing accommodation is required to be registered by this act, a statement that the housing accommodation is registered with the Rent Administrator.

(b) A housing provider may recover possession of a rental unit where the tenant is violating an obligation of tenancy and fails to correct the violation within 30 days after receiving from the housing provider a notice to correct the violation or vacate.

(c) A housing provider may recover possession of a rental unit where a court of competent jurisdiction has

determined that the tenant has performed an illegal act within the rental unit or housing accommodation. The housing provider shall serve on the tenant a 30-day notice to vacate.

(d) A natural person with a freehold interest in the rental unit may recover possession of a rental unit where the person seeks in good faith to recover possession of the rental unit for the person's immediate and personal use and occupancy as a dwelling. The housing provider shall serve on the tenant a 90-day notice to vacate in advance of action to recover possession of the rental unit in instances arising under this subsection. No housing provider shall demand or receive rent for any rental unit which the housing provider has repossessed under this subsection during the 12-month period beginning on the date the housing provider recovered possession of the rental unit. A stockholder of a cooperative housing association with a right of possession in a rental unit may exercise the rights of a natural person with a freehold interest under this subsection.

(e) A housing provider may recover possession of a rental unit where the housing provider has in good faith contracted in writing to sell the rental unit or the housing accommodation in which the unit is located for the immediate and personal use and occupancy by another person, so long as the housing provider has notified the tenant in writing of the tenant's right and opportunity to purchase as provided in the Rental Housing Conversion and Sales Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec.

45-1601 et seq.). The housing provider shall serve on the tenant a 90-day notice to vacate in advance of the housing provider's action to recover possession of the rental unit. No person shall demand or receive rent for any rental unit which has been repossessed under this subsection during the 12-month period beginning on the date on which the rental unit was originally repossessed by the housing provider.

(f)(1) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as the plans for the alterations or renovations have been previously filed with and approved by the Rent Administrator and the plans demonstrate that the proposed alterations or renovations cannot safely or reasonably be accomplished while the unit is occupied. The housing provider shall serve on the tenant a 120-day notice to vacate in advance of action to recover possession of the rental unit. The notice to vacate shall comply with and notify the tenant of the tenant's right to relocation assistance under the provisions of title VII.

(2) Immediately upon completion of the proposed alterations or renovations, the tenant shall have the absolute right to rerent the rental unit.

(3) Where the renovations or alterations are necessary to bring the rental unit into substantial compliance with the housing regulations, the tenant may rerent at the same rent and under the same obligations that

were in effect at the time the tenant was dispossessed, if the renovations or alterations were not made necessary by the negligent or malicious conduct of the tenant.

(4) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII, if the tenants meet the eligibility criteria of that title.

(g)(1) A housing provider may recover possession of a rental unit for the purpose of immediately demolishing the housing accommodation in which the rental unit is located and replacing it with new construction, if a copy of the demolition permit has been filed with the Rent Administrator, and, if the requirements of title VII have been met. The housing provider shall serve on the tenant a 180-day notice to vacate in advance of action to recover possession of the rental unit. The notice to vacate shall comply with and notify the tenant of the tenant's right to relocation assistance under the provisions of title VII of this act.

(2) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII, if the tenants meet the eligibility criteria of that title.

(h)(1) A housing provider may recover possession of a rental unit for the purpose of immediate, substantial rehabilitation of the housing accommodation if the requirements of section 214 and title VII have been met. The housing provider shall serve on the tenant a 120-day

notice to vacate in advance of his or her action to recover possession of the rental unit. The notice to vacate shall comply with and notify the tenant of the tenant's right to relocation assistance under title VII of this act.

(2) Any tenant displaced from a rental unit by the substantial rehabilitation of the housing accommodation in which the rental unit is located shall have a right to rerent the rental unit immediately upon the completion of the substantial rehabilitation.

(3) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII, if the tenants meet the eligibility criteria of that title.

(i)(1) A housing provider may recover possession of a rental unit for the immediate purpose of discontinuing the housing use and occupancy of the rental unit so long as:

(A) The housing provider serves on the tenant a 180-day notice to vacate in advance of his or her action to recover possession of the rental unit. The notice to vacate shall comply with and notify the tenant of the tenant's right to relocation assistance under the provisions of title VII;

(B) The housing provider shall not cause the housing accommodation, of which the unit is a part, to be substantially rehabilitated for a continuous 12-month period beginning from the date that the use is discontinued under this section;

(C) The housing provider shall not resume

any housing or commercial use of the unit for a continuous 12-month period beginning from the date that the use is discontinued under this section;

(D) The housing provider shall not resume any housing use of the unit other than rental housing;

(E) Upon resumption of the housing use, the housing provider shall not rerent the unit at a greater rent than would have been permitted under this act had the housing use not been discontinued;

(F) The housing provider shall, on a form devised by the Rent Administrator, file with the Rent Administrator a statement including, but not limited to, general information about the housing accommodation, such as address and number of units, the reason for the discontinuance of use, and future plans for the property;

(G) The housing provider desires to resume a rental housing use of the unit, the housing provider shall notify the Rent Administrator who shall determine whether the provisions of this paragraph have been satisfied; and

(H) The housing provider shall not demand or receive rent for any rental unit which the housing provider has repossessed under this subsection for a 12-month period beginning on the date the housing provider recovered possession of the rental unit.

(2) Tenants displaced by actions under this subsection shall be entitled to receive relocation assistance as set forth in title VII, if the tenants meet the eligibility criteria of that title.

(j) In any case where the housing provider seeks to recover possession of a rental unit or housing accommodation to convert the rental unit or housing accommodation to a condominium or cooperative, notice to vacate shall be given according to section 206(c) of the Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Code, sec. 45-1615(c)).

(k) Notwithstanding any other provision of this section, no housing provider shall evict a tenant on any day when the National Weather Service predicts at 8:00 a.m. that the temperature at the National Airport weather station will not exceed 25 degrees fahrenheit within the next 24 hours.

Sec. 502. Retaliatory action.

(a) No housing provider shall take any retaliatory action against any tenant who exercises any right conferred upon the tenant by this act, by any rule or order issued pursuant to this act, or by any other provision of law. Retaliatory action may include any action or proceeding not otherwise permitted by law which seeks to recover possession of a rental unit, action which would unlawfully increase rent, decrease services, increase the obligation of a tenant, or constitute undue or unavoidable inconvenience, violate the privacy of the tenant, harass, reduce the quality or quantity of service, any refusal to honor a lease or rental agreement or any provision of a lease or rental agreement, refusal to renew a lease or rental agreement, termination of a tenancy without cause, or any other form of threat or coercion.

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(b) In determining whether an action taken by a housing provider against a tenant is retaliatory action, the trier of fact shall presume retaliatory action has been taken, and shall enter judgment in the tenant's favor unless the housing provider comes forward with clear and convincing evidence to rebut this presumption, if within the 6 months preceding the housing provider's action, the tenant:

(1) Has made a witnessed oral or written request to the housing provider to make repairs which are necessary to bring the housing accommodation or the rental unit into compliance with the housing regulations;

(2) Contacted appropriate officials of the District government, either orally in the presence of a witness or in writing, concerning existing violations of the housing regulations in the rental unit the tenant occupies or pertaining to the housing accommodation in which the rental unit is located, or reported to the officials suspected violations which, if confirmed, would render the rental unit or housing accommodation in noncompliance with the housing regulations;

(3) Legally withheld all or part of the tenant's rent after having given a reasonable notice to the housing provider, either orally in the presence of a witness or in writing, of a violation of the housing regulations;

(4) Organized, been a member of, or been involved in any lawful activities pertaining to a tenant organization;

(5) Made an effort to secure or enforce any of

the tenant's rights under the tenant's lease or contract with the housing provider; or

- (6) Brought legal action against the housing provider.

Sec. 503. Conciliation and arbitration service.

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sec. 45-
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(a) There is established a conciliation and arbitration service ("service") within the Division.

(b) The service shall provide a voluntary, nonadversarial forum for the resolution of disputes arising between housing providers and tenants in the District.

(c) The staff of the service shall be designated by the Rent Administrator and shall be persons familiar with the problems of the law relating to housing-provider and tenant relations and with knowledge of conciliation and arbitration practices.

(d) Either a housing provider or a tenant may initiate a proceeding before the service.

(e) No person shall be compelled to attend a session of the service or participate in any proceeding before its staff. The results of any proceeding shall not be binding upon any party, except (1) to the extent provided in section 504, or (2) with respect to a conciliation agreement, to the extent that a party to the proceeding agrees to be bound by the conciliation agreement. No evidence pertaining to a conciliation or arbitration proceeding shall be admissible in any judicial proceeding under other provisions of law relating to housing-provider and tenant disputes.

Sec. 504. Arbitration.

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(a) By mutual consent, the housing provider and tenant may submit for arbitration any dispute not satisfactorily resolved under section 503.

(b) A request for arbitration shall be in writing.

(c) The Rent Administrator shall designate 3 members of the Division's staff, other than those who heard the dispute under section 503, to serve as a panel of arbitrators.

(d) The arbitration panel shall issue a written recommendation to resolve the dispute within 10 days of the request.

(e) Agreements entered into between the housing provider and tenant under the panel's recommendation shall be approved by the Rent Administrator and shall be binding upon the parties.

Sec. 505. Prohibition of discrimination against elderly tenants or families with children.

(a) It is unlawful for a housing provider to discriminate against elderly tenants or families with children when renting housing accommodations.

(b) Any protections provided by subsection (a) of this section, and any penalties provided in section 901 shall be in addition to any other provision of law.

(c) Allegations by elderly tenants or families with children of violations of this section shall be promptly investigated and handled by the Department of Consumer and Regulatory Affairs, which shall provide the complaining party with a written report upon the conclusion of the

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investigation.

TITLE VI

CONVERSION OR DEMOLITION OF RENTAL HOUSING

Sec. 601. Conversion.

Notwithstanding any other provision of law, no person shall convert and the Mayor shall not permit the conversion of any housing accommodation or rental unit into a hotel, motel, inn, or other transient residential occupancy unit or accommodation.

Sec. 602. Demolition.

(a) Notwithstanding any other provision of law, no person shall demolish and the Mayor shall not permit the demolition of any housing accommodation or rental unit for the purpose of constructing or expanding a hotel, motel, inn, or other transient residential accommodation.

(b) No person shall construct or expand and the Mayor shall not permit the construction or expansion of a hotel, motel, inn, or other transient residential occupancy on the site of a housing accommodation or rental unit demolished after the effective date of this act.

TITLE VII

RELOCATION ASSISTANCE FOR TENANTS DISPLACED BY SUBSTANTIAL REHABILITATION, DEMOLITION, OR HOUSING DISCONTINUANCE

Sec. 701. Notice of right to assistance.

No housing provider shall substantially rehabilitate, demolish, or discontinue any housing accommodation unless there has first been served upon each tenant residing in the housing accommodation a written notice of intent to

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rehabilitate, demolish, or discontinue the housing accommodation in accordance with section 501(g), (h), or (i), as appropriate. The notice shall advise the tenants of their right to relocation assistance under this act or any other District law, and the procedures for applying for the assistance. The Rental Housing Commission shall prescribe the content of the notice. No tenant may be evicted from a housing accommodation which the housing provider intends to substantially rehabilitate, demolish, or discontinue housing use, or which the housing provider intends to sell to another person who, to the housing provider's knowledge, intends to substantially rehabilitate, demolish, or discontinue housing use, unless the requirements of this section have been met. Nothing contained in this section shall be construed to limit a housing provider's right to evict a tenant for nonpayment of rent or violation of an obligation of the tenancy, if the action to evict is in compliance with section 501.

Sec. 702. Eligibility assistance.

Each housing provider commencing substantial rehabilitation, demolition, or housing discontinuance, on or after the effective date of this act, shall pay relocation assistance in an amount calculated under section 703 to all tenants of the housing accommodation who:

- (1) Were living in the rental units contained in the housing accommodation from which they are being displaced at the time the notice required by section 501 of this act is given; and

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(2) Are displaced from rental units because the housing accommodation in which they are located is to be substantially rehabilitated, demolished, or discontinued.

Sec. 703. Payments.

(a) The amount of relocation assistance payable to a displaced tenant shall be calculated as follows:

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(1) Except as provided in paragraph (2) of this subsection, relocation assistance in the amount of \$150 for each room in the rental unit shall be payable to the tenants or subtenants bearing the cost of removing the majority of the furnishings. For the purposes of this paragraph, the term "room" in a rental unit means any space 60 square feet or larger which has a fixed ceiling and a floor and is subdivided with fixed partitions on all sides, but does not mean bathrooms, balconies, closets, pantries, kitchens, foyers, hallways, storage areas, utility rooms, or the like.

(2) Relocation assistance in the amount of \$75 for each pantry, kitchen, storage area, and utility room that exceeds 60 square feet in area shall be payable to the tenants or subtenants bearing the cost of removing the majority of the furnishings.

(b) The Mayor shall adjust the amount to be paid tenants for relocation assistance from time to time in order to reflect changes in the cost of moving within the Washington, D.C., Standard Metropolitan Statistical Area (SMSA). The adjustments shall be made under title I of the District of Columbia Administrative Procedure Act approved October 21, 1968 (82 Stat. 1204; D.C. Code, secs. 1-1501 et

seq.), not more than once in any calendar year.

(c) Relocation assistance shall be paid to eligible tenants not later than 24 hours before the date the rental unit is to be vacated by the tenants or subtenants, if the housing provider has received at least 10 days, excluding Saturdays, Sundays, and holidays, advance written notice of the date upon which the unit is to be vacated. Where the tenant does not provide the housing provider with at least a 10-day notice, the relocation assistance shall be paid within 30 days after the unit is vacated.

(d) Payment of relocation assistance shall not be required with respect to any rental unit which is the subject of an outstanding judgment for possession obtained by the housing provider or housing provider's predecessor in interest against the tenants or subtenants for a cause of action whether the cause of action arises before or after the service of the notice of intention to rehabilitate, demolish, or discontinue housing use. If the judgment for possession is based upon nonpayment of rent and arises after the notice of intent to rehabilitate, demolish, or discontinue housing use has been given, then relocation assistance shall be required in an amount reduced by the amount determined to be due and owing to the housing provider by the court rendering the judgment for possession.

Sec. 704. Relocation advisory services.

Whenever a building in the District is converted from rental to condominium units, substantially rehabilitated or demolished, or discontinued from housing use, the Relocation

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Assistance Office of the Department of Housing and Community Development shall provide relocation advisory services for tenants who move from the building. These services shall include:

- (1) Ascertaining the relocation needs for each household;
- (2) Providing current information on the availability of equivalent substitute housing;
- (3) Supplying information concerning federal and District housing programs; and
- (4) Providing other advisory services to displaced persons in order to minimize hardships in adjusting to relocation.

Sec. 705. Tenant hot line.

The Department of Consumer and Regulatory Affairs shall provide for the continuation of a tenant hot line. The primary purpose of the tenant hot line is to provide assistance to low- and moderate-income tenants. To carry out this purpose, the functions and responsibilities shall include, but not be limited to, the following:

- (1) Answering rent control procedural questions, and directing tenants toward possible courses of action in resolving problems;
- (2) Providing advice on housing regulation violations;
- (3) Explaining rent increases;
- (4) Providing guidance on emergency shelter;
- (5) Providing guidance on the Tenant Assistance

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Program;

(6) Providing guidance in resolving problems involving water, heating, repairs, and other matters;

(7) Providing advice on possible action in response to allegations of discrimination, harassment, or neglect by housing providers;

(8) Answering preliminary questions about remedies through the courts;

(9) Providing guidance when tenants are faced with eviction; and

(10) Providing guidance on other tenant problems.

TITLE VIII

NEW AND VACANT RENTAL HOUSING AND DISTRESSED PROPERTY

Sec. 801. Declaration of Policy.

In order to assist in stimulating the expansion of the supply of decent, safe, and affordable rental housing for low- to moderate-income persons in the District, the Council declares as its policy that the Mayor and the Council shall:

(1) Use the District's bonding authority to provide low-interest financing for the construction of new rental units and the rehabilitation of vacant rental units; and

(2) Provide tax abatements and other incentives for the construction of new rental units and the rehabilitation of vacant rental units.

Sec. 802. Tax abatement for new or rehabilitated vacant rental housing.

(a) There shall be an 80% reduction of the property

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tax liability during the first year newly constructed rental housing accommodations become available for rental. Tax for succeeding years shall be increased by increments of 16% of the full tax liability until the time the full liability, absent this provision, is reached.

(b) When vacant rental accommodations which have been rehabilitated become available for rental, the provisions of subsection (a) of this section shall apply to the amount by which the tax assessment was increased due to rehabilitation.

(c) When vacant rental accommodations are being rehabilitated under this title, the Mayor may defer or forgive any indebtedness owed the District or defer or forgive outstanding tax liens.

(d) A project eligible for tax abatement or deferral or forgiveness of any indebtedness to the District or deferral or forgiveness of tax liens under subsections (a), (b), and (c) of this section shall be subject to certification by the Mayor that it is in the best interest of the District and is consistent with the District's rental property needs in terms of its location, type, and variety of sizes of rental units.

(e) The Mayor shall issue rules and procedures for complying with the certification requirements of this title.

Sec. 803. Deferral or forgiveness of water and sewer fees for rehabilitated vacant rental housing.

(a) Where vacant rental accommodations are being rehabilitated under this title, the Mayor may defer or

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forgive any outstanding water and sewer fees owed by the property.

(b) A project under this section shall be subject to certification by the Mayor that it is in the best interest of the District, and is consistent with the District's rental property needs in terms of its location, type, and variety of sizes of rental units.

Sec. 804. Distressed properties improvement program.

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(a) The Mayor may establish and administer a distressed property improvement program to assist those housing accommodations which meet the requirements of section 103(7).

(b) The distressed property improvement program may include any or all of the following:

(1) A 5-year deferral or moratorium on real property taxes;

(2) Deferral or forgiveness of water and sewer charges in arrears;

(3) Deferral or forgiveness of tax liens;

(4) Deferral or forgiveness of any indebtedness owed to the District;

(5) Low-interest or no-interest loans; and

(6) Financial grants.

(c) Nothing in subsection (b) or this title shall be construed as creating a right or entitlement for any housing provider or other person.

(d) Distressed properties and new or rehabilitated vacant rental housing under sections 802 and 803 shall have

priority over other properties for participation in the Tenant Assistance Program so long as the tenants who reside in distressed property and who receive assistance from the Tenant Assistance Program are doing so consistent with the provisions of section 303(c).

Sec. 805. Distressed property improvement plan.

(a) Upon petition by the housing provider, the Mayor may initiate the development of a distressed property improvement plan utilizing any or all of the mechanisms in section 804(b). The development of the plan shall involve the participation of the housing provider, the tenants or tenants' association and may include the mortgagor.

(b) A distressed property improvement plan may include, but not be limited to:

- (1) A schedule of repairs and capital improvements;
- (2) A schedule of services and facilities;
- (3) A schedule of rents and rent increases;
- (4) A schedule of mortgage payments which may reflect additional long-term loans to the housing provider for the housing accommodation;
- (5) A schedule of additional capital investment in the housing accommodation by the housing provider; and
- (6) A schedule of property tax payments, which may also reflect moratoria or deferrals on property tax payments and the abatement or deferral of up to 100% of any tax outstanding on the housing accommodation.

(c) In the development of the distressed property

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improvement plan, the Mayor may consider:

- (1) The interests of tenants in achieving decent, safe, and sanitary housing at affordable rents;
- (2) The long-term interest of the housing provider in achieving a sound investment and a reasonable return on the housing provider's investment;
- (3) The long-term interest of the mortgagor in achieving a financially secure mortgage; and
- (4) The long-term interest of the District in achieving a decent, safe, and sanitary housing accommodation which is fiscally sound and which generates and pays its fair property tax assessment.

TITLE IX

MISCELLANEOUS PROVISIONS.

Sec. 901. Penalties.

(a) Any person who knowingly (1) demands or receives any rent for a rental unit in excess of the maximum allowable rent applicable to that rental unit under the provisions of title II of this act, or (2) substantially reduces or eliminates related services previously provided for a rental unit, shall be held liable by the Rent Administrator or Rental Housing Commission, as applicable, for the amount by which the rent exceeds the applicable rent ceiling or for treble that amount (in the event of bad faith) and/or for a roll back of the rent to the amount the Rent Administrator or Rental Housing Commission determines.

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(b) Any person who wilfully (1) collects a rent increase after it has been disapproved under this act, until

and unless the disapproval has been reversed by a court of competent jurisdiction, (2) makes a false statement in any document filed under this act, (3) commits any other act in violation of any provision of this act or of any final administrative order issued under this act, or (4) fails to meet obligations required under this act shall be subject to a fine of not more than \$5,000 for each violation.

(c) Any housing provider who has provided relocation assistance under this act may bring a civil action to recover the amount of relocation assistance paid to any person who was not eligible to receive the assistance.

(d) Any person who knowingly or wilfully makes a false or fraudulent application, report, or statement in order to obtain, or for the purpose of obtaining, any grant or payment under the Tenant Assistance Program, or any person ceasing to become eligible for the grant or payment and who does not immediately notify the Department of his or her ineligibility, shall be fined not less than \$50 and not more than \$5,000 for each offense. A person who knowingly and wilfully makes false or fraudulent reports or statements, or of failing to notify promptly the Department of the person's ineligibility, shall repay to the District government all amounts paid by the District government in reliance on the false or fraudulent application, report, or statement, or all amounts paid after eligibility ceases, and shall be liable for interest on the amounts at the rate of 1/2 of 1% per month until repaid.

(e) A housing provider who discriminates against an

elderly tenant or a family with children when renting housing accommodations shall be fined not more than \$5,000 for each violation. Repeat violators shall be fined not more than \$15,000 for each violation.

Sec. 902. Attorney's fees.

The Rent Administrator, Rental Housing Commission, or a court of competent jurisdiction may award reasonable attorney's fees to the prevailing party in any action under this act, except actions for eviction authorized under section 501.

Sec. 903. Supersedure.

This act shall be considered to supersede the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, and the Rental Housing Act of 1980, except that a petition filed with the Rent Administrator under the Rental Housing Act of 1980 shall be determined under the provisions of the Rental Housing Act of 1980.

Sec. 904. Service.

(a) Unless otherwise provided by Rental Housing Commission regulations, any information or document required to be served upon any person shall be served upon that person, or the representative designated by that person or by the law to receive service of the documents. When a party has appeared through a representative of record, service shall be made upon that representative. Service upon a person may be completed by any of the following ways:

- (1) By handing the document to the person, by leaving it at the person's place of business with some

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responsible person in charge, or by leaving it at the person's usual place of residence with a person of suitable age and discretion;

(2) By telegram, when the content of the information or document is given to a telegraph company properly addressed and prepaid;

(3) By mail or deposit with the United States Postal Service properly stamped and addressed; or

(4) By any other means that is in conformity with an order of the Rental Housing Commission or the Rent Administrator in any proceeding.

(b) No rent increases, whether under this act, the Rental Accommodations Act of 1975, the Rental Housing Act of 1977, the Rental Housing Act of 1980, or any administrative decisions issued under these acts, shall be effective until the 1st day on which rent is normally paid occurring more than 30 days after notice of the increase is given to the tenant.

Sec. 905. Repealer.

Title V of the Rental Housing Act of 1980, effective March 4, 1981 (D.C. Law 3-131; D.C. Code, sec. 45-1651 et seq.), is repealed.

Sec. 906. Effective date.

This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia

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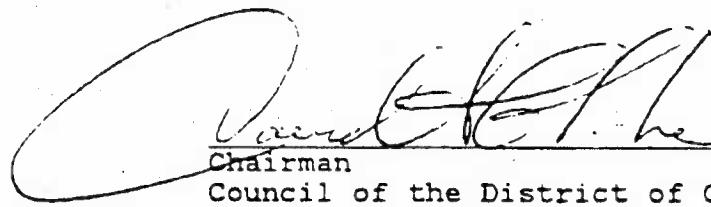
Enrolled Original

Self-Government and Governmental Reorganization Act,
approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.
1-233(c)(1)).

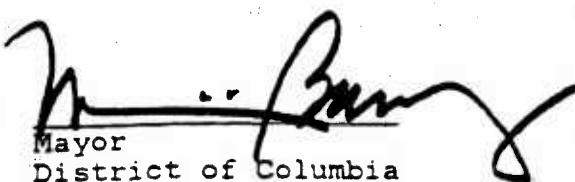
Sec. 907. Termination.

All titles of this act, except titles III and V, shall
terminate on December 31, 1991.

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David E. Lofgren
Chairman
Council of the District of Columbia



Marion Barry
Mayor
District of Columbia

APPROVED: May 16, 1985



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-33

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 4-16-85

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: — RESULT

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COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE	X				RAY		X			SPAULDING		X		
CRAWFORD	X				ROLARK			X		WILSON			X	
JARVIS	X				SCHWARTZ		X			WINTER			X	
KANE	X				SHACKLETON		X							
MASON		X			SMITH, JR.		X							

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Rosena Smith
Secretary to the Council

May 3, 1985
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 4-30-85

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT

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COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD

Rosena Smith
Secretary to the Council

May 3, 1985
Date

Item on Consent Calendar

ACTION & DATE:

VOICE VOTE:

Recorded vote on request

Absent:

ROLL CALL VOTE: — RESULT

(/ / /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	
CHMN. CLARKE					RAY					SPAULDING				
CRAWFORD					ROLARK					WILSON				
JARVIS					SCHWARTZ					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote

A.B. — Absent

N.V. — Present, not voting

CERTIFICATION RECORD