



Councilmember Jim Graham

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to prohibit rent increases where the housing provider has failed to provide notice regarding the eligibility of elderly tenants and tenants with disabilities for the lower cap on the annual standard rent increase, or where a non-resident owner has failed to appoint and maintain a registered agent; to lower the cap on the annual standard rent adjustment for a unit occupied by an elderly tenant or tenant with a disability to 5 percent of the current rent charged, or the Consumer Price Index (CPI-W), or the Social Security Cost of Living Adjustment (COLA), whichever is least, and for a unit occupied by any other tenant to the lesser of the CPI-W or 10 percent of the current rent charged; to permit a tenant to establish elderly or disability status by presenting to the housing provider a completed government registration form and the minimum information necessary to demonstrate qualification for that status; and to prevent excessive vacancy rent increases in high turn-over units by correlating the amount of the allowable increase to the duration of the previous tenancy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA

That this act may be cited as the "Rent Control Amendment Act of 2014".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 202(a)(3) (D.C. Official Code sec. 42-3502.02(a)(3)) is amended to read as follows:

"(3) Certify and publish within 30 days after July 17, 1985, and prior to March 1 of each subsequent year:

"(A) The annual adjustment of general applicability in the rent charged of a rental unit under § 42-3502.06;

1 “(B) The most recent annual cost-of-living increase in benefits for social
2 security recipients established pursuant to section 415(i) of the Social Security Act,
3 approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)); and

4 “(C) The maximum rent adjustment that may be imposed on a unit
5 occupied by an elderly tenant or tenant with a disability pursuant to section 208(h)(2)
6 (D.C. Official Code sec. 42-3502.08(h)(2)).”.

7 (b) Section 208 (D.C. Official Code § 42-3502.08) is amended as follows:

8 (1) Subsection (a)(1) is amended as follows:

9 (A) Subparagraph (D) is amended by striking the word “and”.

10 (B) Subparagraph (E) is amended by striking the period and
11 inserting a semicolon in its place.

12 (C) New subparagraphs (F) and (G) are added to read as follows:

13 “(F) The housing provider, if a non-resident of the District of Columbia, has
14 appointed and maintained a registered agent pursuant to 14 D.C.M.R. 203; and

15 “(G) The housing provider has provided the tenant with written notice of the
16 maximum standard rent increase that applies to elderly tenants and tenants with
17 disabilities and the means by which the tenant may establish elderly or disability status as
18 set forth in this subsection (h) of this section, and has not required the tenant to provide
19 more proof of age or disability than the minimum information necessary to establish such
20 status.”.

21 (2) Subsection (h) is amended as follows:

22 (A) Paragraph (2) is amended by:

23 (i) Striking the phrase “2% plus”; and

1 (ii) Striking the phrase “elderly or disabled tenant without
2 regard to income but otherwise as defined in section 206(f) shall not exceed the lesser of
3 5% or the adjustment of general applicability” and inserting the phrase “elderly tenant or
4 tenant with a disability shall not exceed 5% of the current rent charged, the adjustment of
5 general applicability, or the most recent annual cost-of-living increase in benefits for
6 social security recipients established pursuant to section 415(i) of the Social Security Act,
7 approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)), whichever is least” in its
8 place.

9 (B) New paragraphs (3) through (11) are added to read as follows:

10 “(3) A notice of rent adjustment pursuant to paragraph (1) or (2) of this subsection
11 shall set forth in bold lettering the maximum standard rent increase percentage that
12 applies to elderly tenants and tenants with disabilities.

13 “(4) The housing provider shall, upon the tenant’s request, provide the tenant with
14 a current copy of the application form issued by the Rent Administrator for purposes of
15 establishing status as an elderly tenant or tenant with a disability.

16 “(5) For purposes of this section, a tenant may establish elderly status by
17 presenting to the housing provider at the rental accommodation a completed “elderly or
18 disability status” application form and the minimum documentation necessary to establish
19 his or her age, including a passport, birth certificate, District-issued driver’s license or
20 identification card, or such other documentation as the Rent Administrator may deem
21 sufficient.

22 “(6) For purposes of this section, a tenant may establish disability status by
23 presenting to the housing provider at the rental accommodation a completed “elderly or

1 disability status” application form and the minimum documentation necessary to establish
2 his or her disability, including an award letter for disability benefits from the U.S. Social
3 Security Administration, or a letter from a physician stating that the tenant has a
4 disability as defined in 42 U.S.C. §12102(1), or such other documentation as the Rent
5 Administrator may deem sufficient.

6 “(7) The housing provider shall maintain for at least 3 years copies of any
7 completed application form and supporting documentation submitted by the tenant
8 pursuant to paragraph (6) or (7) of this subsection, and shall provide the Rent
9 Administrator with these documents at such time and in such place and manner as the
10 Rent Administrator shall prescribe, but in no event later than the effective date of the first
11 applicable rent adjustment following the tenant’s compliance with paragraph (6) or (7) of
12 this subsection.

13 “(8) The tenant’s elderly or disability status shall be effective as of the first day of
14 the first month following his or her compliance with paragraph (6) or (7) of this
15 subsection, as applicable, and the housing provider shall adjust the rent charged
16 accordingly by no more than the amount allowed pursuant to paragraph (2) of this
17 subsection. The housing provider shall not increase the amount of this rent adjustment
18 unless and until the Rent Administrator or hearing officer has determined that the tenant
19 has failed to qualify for elderly or disability status pursuant paragraphs (10) and (11) of
20 this subsection. If the effective date of the tenant’s elderly or disability status occurs less
21 than 12 months after the effective date of a rent adjustment by 2% plus the adjustment of
22 general applicability, the housing provider shall reduce the rent charged by 2% of the
23 previous rent charged as of the effective date of the tenant’s elderly or disability status.

1 “(9) If the housing provider has substantial grounds to believe that the tenant does
2 not qualify for elderly or disability status, and that relevant documentation is fraudulent
3 or has been falsified, and if efforts to resolve the dispute directly with the tenant are
4 unavailing, then the housing provider may challenge the tenant’s application by:

5 “(A) notifying the tenant of the basis for the challenge; and

6 “(B) filing a petition to deny the application with the Rent Administrator,
7 within 5 business days of the tenant’s compliance with paragraph (6) or (7) of this
8 subsection.

9 “(10) The Rent Administrator or hearing officer shall deny the tenant’s
10 application only upon clear and convincing evidence of fraud, falsification, or
11 misrepresentation, and only if the tenant has been given the opportunity to respond to the
12 housing provider’s challenge to his or her application; provided further, that if the
13 housing provider’s challenge is determined to have been frivolous or made in bad faith,
14 the housing provider shall be deemed to have made an unlawful demand for rent for no
15 less than a 12-month period in an amount of no less than 2% of the current rent charged,
16 and shall be liable for treble damages, pursuant to section 901(a) of (D.C. Official Code
17 § 42-3509.01(a)).

18 “(11) For purposes of this section the term:

19 “(A) “Elderly tenant” means any tenant who is 62 years of age or older;

20 and

21 “(B) “Tenant with a disability” means any tenant who has a disability as
22 defined in section 3(1) of the Americans with Disabilities Act of 1990, approved July 26,
23 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)) and 29 CFR § 1630.2(g)(1).”.

1 (c) Section 213 (D.C. Official Code § 42-3502.13) is amended as follows:

2 (1) Subsection (a) is amended to read as follows:

3 “(a) When a tenant vacates a rental unit on the tenant’s own initiative or as a
4 result of a notice to vacate for nonpayment of rent, violation of an obligation of the
5 tenant’s tenancy, or use of the rental unit for illegal purpose or purposes as determined by
6 a court of competent jurisdiction, the amount of rent charged may be increased by no
7 more than 1% of the current rent charged for the vacant unit, multiplied by the total
8 number of years of the previous tenant’s occupancy; provided, that the housing provider
9 shall provide the Rent Administrator with the name of the previous tenant, the number of
10 years of that tenant’s occupancy of the unit, and such other information as the Rent
11 Administrator may require by rulemaking.”.

12 (2) Subsection (b) is repealed.

13 (3) Subsection (c) is amended by striking the phrase “subsections (a)(1)
14 and (a)(2)” and inserting the phrase “subsection (a)” in its place.

15 (4) Subsection (d) is amended as follows:

16 (A) The leading text is amended by striking the phrase “new
17 tenancy” and inserting the phrase “new tenancy, and at the time of the first rent increase
18 during the tenancy” in its place.

19 (B) Paragraphs (2) and (3) are amended to read as follows:

20 “(2) The amount of the increases in the amount of rent charged for the rental unit
21 during the preceding 3 years, including the basis for each increase and, regarding any rent
22 adjustment pursuant to this section, the number of years of the previous tenant’s
23 occupancy of the unit; and

1 “(3) The current increase in the rent charged.”.

2 Sec. 3. Fiscal impact statement.

3 The Council adopts the fiscal impact statement in the committee report as the
4 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
5 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-
6 206.02(c)(3)).

7 Sec. 4. Effective date.

8 This act shall take effect following approval by the mayor (or in the event of a
9 veto by the Mayor, action by the Council to override the veto), a 30-day period of
10 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
11 Rule Act, approved December 24, 1973 (87 State. 813; D.C. Official Code §1-
12 206.02(c)(1)), and publication in the District of Columbia Register.