



The Rental Housing Commission 2018 Resolution




The Change in the Regional Consumer Price Index – Urban Wage Earners and Clerical Workers (CPI-W), for All Items; the Social Security Cost-of-Living Adjustment; and the Maximum Annual Rent Increase for Elderly Tenants and Tenants with a Disability

It is hereby resolved by the Rental Housing Commission (“Commission”) this 12th day of February, 2018:

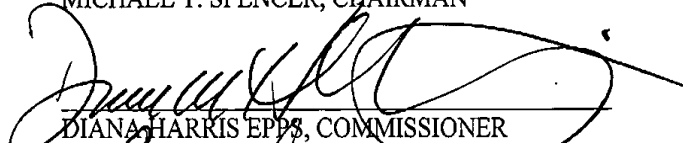
1. Whereas, effective January 1998, the United States Department of Labor, Bureau of Labor Statistics (“BLS”), eliminated the publication “Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for All Items,” which included the District of Columbia and parts of the states of Maryland and Virginia, and initiated the publication “Consumer Price Index – Urban Wage Earners and Clerical Workers (CPI-W), Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items,” which includes the District of Columbia and parts of the states of Maryland, Virginia, and West Virginia in a consolidated metropolitan statistical area (“Washington-Baltimore CMSA”);
2. Whereas, pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code §42-3502.06(b)) (“Act”), the Commission is mandated to determine the change, during the twelve months of calendar year 2017 in the Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for all items in the metropolitan statistical area that includes the District of Columbia;
3. Whereas, pursuant to the requirements of section 206(b) of the Act, the Commission used the BLS publication of the CPI-W for all items for calendar year 2017 in the Washington-Baltimore CMSA;
4. Whereas, the Commission determined the calendar year 2017 change in the CPI-W for all items for the Washington-Baltimore CMSA was 1.4%;
5. Whereas, pursuant to section 202(a)(3)(B) of the Act, the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i));
6. Whereas, the Commission determined that the Social Security COLA established for calendar year 2018 is 2.0%;

RHC 2017 Resolution, continued

7. Whereas, pursuant to section 202(a)(3)(C) of the Act, the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act, which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this resolution; (b) the Social Security COLA, as determined by this resolution; or (c) 5% of the current rent charged; and
8. Whereas, the Commission determined that, pursuant to section 224(a) of the Act, the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider shall not exceed 1.4%;
9. Be it therefore resolved, that, pursuant to the requirements of section 202(a)(3) of the Act, the Commission hereby certifies that:
 - (a) The rent adjustment of general applicability, to become effective on May 1, 2018, shall not exceed 1.4% of the legal rent charged for a rental unit on April 30, 2018; and
 - (b) The annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 1.4% of the legal rent charged on April 30, 2018; and
10. Be it further resolved, that the Commission adopts the Certification and Notice of Rent Adjustment of General Applicability, effective May 1, 2018, in the form annexed hereto and directs its transmittal to the District of Columbia Office of Documents and Administrative Issuances for publication in the *District of Columbia Register*.



MICHAEL T. SPENCER, CHAIRMAN



DIANA HARRIS EPPS, COMMISSIONER



LISA M. GREGORY, COMMISSIONER



Certification and Notice of Rent Adjustment of General Applicability

EFFECTIVE MAY 1, 2018

1. Pursuant to section 206(b) of the Rental Housing Act of 1985, effective July 18, 1985 (D.C. Law 6-10; D.C. Official Code §42-3502.06(b)) (“Act”), the Rental Housing Commission (“Commission”) shall determine a maximum allowable adjustment of general applicability in the rent charged in accordance with section 206(a) of the Act (D.C. Official Code § 42-3502.06(a)) for rental units covered by the Rent Stabilization Program,¹ which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (“SMSA”) Consumer Price Index for Urban Wage Earners and Clerical Workers (“CPI-W”) for All Items.²
2. Pursuant to section 206(b) of the Act, the Commission determined that the CPI-W for All Items in the Washington, D.C. metropolitan area increased by 1.4% during the previous calendar year.

¹ The coverage of the Rent Stabilization Program is established by section 205(a)-(e) of the Act (D.C. Official Code §42-3502.05(a)-(e)).

² The Rental Housing Commission and the Rent Administrator are mandated by Act to annually calculate and publish in the *District of Columbia Register* the percentage change in the “Washington, D.C., Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for all items.” D.C. Official Code §§42-3502.04(k), 42-3502.06(b). However, the Act does not conform to two changes in the publication by the United States Department of Labor, Bureau of Labor Statistics (“BLS”), which publishes the CPI-W statistics and determines what areas will be in the SMSA.

First, the BLS enlarged the geographical areas included with Washington, D.C. in the statistical area. Second, the name of the BLS statistical publication was changed to reflect the enlargement of the area. Originally, the SMSA included Washington, D.C. and parts of Maryland, and Virginia. The statistical publication issued by BLS, and used by both the Rent Administrator and the Commission, was named “Consumer Price Index, Urban Wage Earners and Clerical Workers - (CPI-W), Washington, DC-MD-VA, All Items.” That publication was discontinued, and now the BLS publication is the “Consumer Price Index - Urban Wage Earners and Clerical Workers, Washington-Baltimore, D.C.-Md.-Va.-W.Va., All Items.” The difference is the inclusion of parts of the state of West Virginia and the city of Baltimore, Maryland into a “consolidated metropolitan statistical area” with Washington, D.C.

The BLS data on which the Commission relies is published with the Series ID CWURA311SAO.

Certification and Notice of Rent Adjustment of General Applicability, continued

3. Pursuant to section 202(a)(3)(A) of the Act (D.C. Official Code §42-3502.02(a)(3)(A)), the Commission hereby certifies and gives notice that the rent adjustment of general applicability to become effective on May 1, 2018, shall not exceed 1.4% of the legal rent charged for a covered rental unit on April 30, 2018.³
4. Pursuant to section 202(a)(3)(B) of the Act (D.C. Official Code §42-3502.02(a)(3)(B)), the Commission shall additionally determine the current, annual cost-of-living adjustment (“COLA”) to the benefits of Social Security recipients as established pursuant to section 215(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)).
5. Pursuant to section 202(a)(3)(B) of the Act, the Commission determined that the Social Security COLA established for calendar year 2018 is 2.0%.⁴
6. Pursuant to section 202(a)(3)(C) of the Act (D.C. Official Code §42-3502.02(a)(3)(C)), the Commission shall additionally determine the maximum annual adjustment in the rent charged for a rental unit occupied by an elderly tenant or tenant with a disability that may be imposed by a housing provider in accordance with section 224(a) of the Act (D.C. Official Code §42-3502.24(a)),⁵ which provides that the maximum rent adjustment shall be the least of: (a) the adjustment of general applicability, as determined by this notice; (b) the Social Security COLA, as determined by this notice; or (c) 5% of the current rent charged.
7. Pursuant to section 202(a)(3)(C) of the Act, the Commission hereby certifies and gives notice that the annual adjustment in the rent charged for a covered rental unit occupied by an elderly tenant or tenant with a disability shall not exceed 1.4% of the legal rent charged on April 30, 2018.

³ Pursuant to section 208(h)(2)(A) of the Act (D.C. Official Code § 42-3502.08(h)(2)(A)), except as provided for elderly tenants and tenants with a disability and rental units leased or co-leased by a home and community-based services waiver provider, a housing provider may increase the rent charged for a rental unit by an additional 2% above the adjustment of general applicability.

⁴ See 82 Fed. Reg. 59937 (Dec. 15, 2017).

⁵ For the purpose of determining the maximum allowable rent increase under section 224(a) of the Act, the term “elderly tenant” means a tenant who is at least 62 years of age, as defined by section 103(12) of the Act (D.C. Official Code §42-3501.03(12)), and “tenant with a disability” means a tenant who has a physical or mental impairment that substantially limits one or more major life activities, as defined by section 103(36A) of the Act (D.C. Official Code §42-3501.03(36A)) to incorporate the definition of “disability” provided by section 3(1)(A) of the Americans With Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. §12102(1)(A)).