



Rent Control

A FACT SHEET FROM THE DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

The Rental Accommodations Division (RAD) is responsible for administering the Rental Housing Act of 1985 (commonly called “rent control”). RAD’s manager is the Rent Administrator.

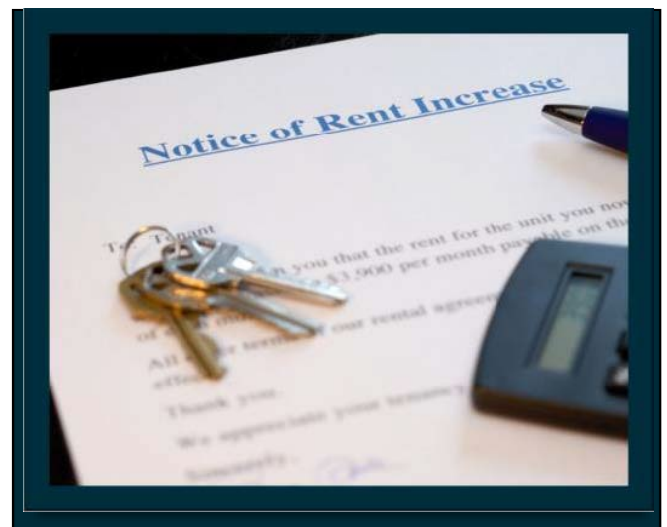
Do all housing accommodations fall under rent control?

All housing accommodations must be registered with RAD, except dormitories, hospitals, rental units operated by a foreign government for diplomatic personnel, and with RAD’s approval, rental units operated as long-term temporary housing by a non-profit charitable organization.

Do all rent increases fall under rent control?

All rent increases fall under rent control, except for housing accommodations that are exempt, such as:

- Federal- or District-subsidized rental units.
- Rental units building after 1975.
- Rental units (including cooperative or condominium units) owned by a natural person owning no more than 4 rental units.
- Rental units that were vacant when the rent control law took effect.
- Housing accommodations under a building improvement plan and receiving rehabilitation assistance from DHCD.



When can a housing provider increase a tenant’s rent for a rent-controlled unit?

A rent increase for a rent-controlled unit must meet all these conditions:

- The increase cannot be more than the prior rent plus an allowable increase.
- The increase cannot be more than an increase allowed under a single section of the law.
- The last increase must have been at least 12 months ago (unless the unit is vacant).
- The increase cannot violate the lease terms.
- The rental unit must be properly registered with RAD.
- The rental unit and the housing accommodation common areas must be in substantial compliance with housing code regulations.
- The housing provider must give a tenant a 60-calendar day advance notice of any rent increase.

How much can a tenant's rent increase automatically each year?

In 2023, The Council of the District of Columbia enacted legislation placing a 2-year rent cap on rent adjustments. For 2023-2025,

- rent for elderly or nondisabled tenants may not be increased more than a total of 8% and
- for all other tenants, rent may not be increased more than a total of 12%.

How much can a tenant's rent increase automatically each year?

For elderly tenants (62 years or older) or tenants with a disability (certified as disabled under the Americans with Disabilities Act) and registered with RAD: the lesser of:

- (1) Washington, D.C. Standard Metropolitan Statistical Area Consumer Price Index for Urban Wage Earners and Clerical Workers (called the "CPI-W");
- (2) The Social Security Administration's cost-of-living adjustment ("COLA"); or
- (3) A total 8% increase between 2023-2025.
- (4) For all other tenants, the rent adjustment is the CPI-W + 2% with a total increase of 12% between 2023-2025.

Are there any exceptions to how often rent may be increased?

The only exception to the limit of one rent increase per year is when a rental unit becomes vacant based on how long the former tenant occupied the rental unit.

- If the tenant occupied the rental unit 10 years or less, the rent may be increased 10% more than the rent charged.
- If the tenant occupied the rental unit more than 10 years, the rent may be increased 20% more than the rent charged.

When may a housing provider seek larger increases?

A housing provider may petition for larger allowable rent increases under certain circumstances. Either the Rent Administrator or the Office of Administrative Hearings ("OAH") must approve the request. Tenants are notified and may choose to participate in the process.

- **Hardship:** a housing provider may increase rents enough to earn a 12% rate of return on the rental property investment (based on 12 months of documented rent expenses). The Rent Administrator may issue an order granting or denying the petition. Tenants may file exceptions or objections; if filed, OAH will hold a hearing to resolve the dispute. OAH may issue an order setting or denying the rent increase.

Where Can I Get Help?

For a list of organizations that provide help and support, visit dhcd.dc.gov/service/rent-control.

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When may a housing provider seek larger increases? (cont'd)

- **Capital Improvements:** a housing provider may petition to increase rents by an amount enough to cover the cost of capital improvements (a repair other than ordinary maintenance). If OAH approves the increase, a rent surcharge is added to the rent charged, the housing provider performs the work, and then increases the rent. Costs are spread for 96 months for building-wide improvements and 64 months for an improvement made to one but not all of the rental units. Only rental units affected by the improvements receive rent increases. Rent surcharges end when all costs are recovered. Tenants who are elderly or disabled, low-income, and registered with RAD may be exempt from the rent surcharge.
- **Services and Facilities:** a rent adjustment may be made if services and facilities supplied by a housing provider are increased or decreased. OAH will approve or deny the petition based on: (1) the cost to the tenant for buying alternate related services or comparable facilities; (2) the operating cost to the housing provider; or (3) the fair market value of comparable services or facilities.
- **Substantial Rehabilitation:** a housing provider may petition to permanently increase rents for a substantial rehabilitation (which must be at least 50% or more of the property tax assessment or the rental unit or housing accommodation). The maximum allowable rent increase is 125%.
- **70% Voluntary Agreement:** a housing provider and tenants may enter into a voluntary agreement to increase the rents for agreed-upon terms, such as repairs and maintenance or improvements. At least 70% of the tenants must agree to the terms. The Rent Administrator must approve the voluntary agreement and any conditions before rents may be increased. An approved agreement affects all tenants, including those who do not sign. **Note:** The Council of the District of Columbia enacted a moratorium on voluntary agreements, meaning that new voluntary agreements are invalid.

How can a tenant challenge a rent adjustment?

A tenant who believes that a rent adjustment is incorrect may file a tenant petition with RAD. RAD will review the petition for technical completeness and then transfer the petition to OAH for a hearing and final decision.

Are there protections for elderly tenants and tenants with a disability?

A tenant who is 62 years or older or can be certified by a physician as disabled under the Americans with Disabilities Act may apply for protected status. As a protected tenant, annual rent adjustments are limited and if the tenant is also low-income, there may be an available exemption from a rent surcharge. A tenant must register their status with RAD.

Where can a tenant receive assistance?

For a list of agencies or organizations providing help and support, contact RAD on (202) 442-9505.