



# RENT CONTROL

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

The Rental Accommodations Division (RAD), which is part of DHCD's Housing Regulation Administration (HRA), is responsible for administering the Rent Control Act (rent control). The head of RAD 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; and, with RAD 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:

- Federally or District-subsidized rental units
- Rental units built after 1975
- Rental units (including condominium or cooperative units) owned by a natural person who owns no more than four rental units and registered as exempt,
- Rental units that were vacant when the rent control law took effect
- Housing accommodations under a building improvement plan and receiving rehabilitation assistance through DCHD



### When Can a Housing Provider Increase My Rent?

A rent increase must meet these conditions:

- It cannot be more than the prior rent plus an allowable increase.
- It cannot be more than the increase allowed under any single section of the law.
- The last rent increase must have been at least 12 months ago (unless the unit is vacant).
- The increase must not violate the lease terms.
- The housing accommodation must be properly registered with RAD.
- The rental unit and the housing accommodation's common areas must be in substantial compliance with housing regulations.
- The housing provider must give a 30-day notice of any rent increase.

## How Much Can My Rent Increase Automatically Each Year?

For tenants who are not elderly or disabled, the most that their rent can automatically increase is the annual Consumer Price Index (CPI-W) percentage plus 2 percent. For tenants who are elderly or disabled, the maximum automatic annual increase in rent charged is the CPI-W percentage, the Social Security Cost-of-Living Adjustment (COLA), or 5 percent of the current rent charged whichever is lower. There are exemptions, however, as explained on the back page.

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## Are There Any Exceptions to How Often Rent Can Be Increased?

The only exception to the limit of one rent increase per year is when a rental unit becomes vacant. The housing provider can raise the rent charged upon a vacancy to 10 percent more than was charged for the rental unit before it was vacated or to the rent level of a substantially identical unit in the same building but no more than 30 percent than was charged for the vacated unit.”

## When Can a Housing Provider Seek Larger Rent Increases?

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

- **Hardship:** Housing providers can raise rents enough to earn a 12 percent rate of return on the rental property investment (based upon 12 months of documented operating expenses). The Rent Administrator issues an order granting or denying the petition. If exceptions and objections are submitted, a hearing will be held with OAH to resolve the disputed matters. OAH then issues an order setting the rent increase.
- **Capital Improvements:** A housing provider can petition to raise rents by an amount enough to cover the cost of capital improvements (generally, a depreciable improvement or renovation other than ordinary repair, repair or maintenance). If OAH approves the surcharge, which generally ranges from 15 percent to 20 percent, the housing provider performs the work and may then raise rents. Costs must be spread for 96 months for building-wide improvements and 64 months for an improvement to one or more but not all rental units. Only units affected by the capital improvements are subject to rent increases. Surcharges end when all costs are recovered. Certain low-income elderly and disabled tenants can be exempt.
- **Services and Facilities:** Rent adjustment can be made rents related services or facilities supplied by a housing provider or a housing accommodation or for any rental unit are increased or decreased.. The OAH makes a ruling on the petition, based on: (1) the cost to the tenant of buying alternate related services or comparable facilities; (2) the operating cost to the housing provider of the related services or facilities; or (3) the fair market value of comparable related services or facilities.
- **Substantial Rehabilitation:** The housing provider may submit a petition to permanently raise rents for a substantial rehabilitation (50 percent or more of the real property tax assessment of the rental unit or building). The maximum allowed rent increase is 125 percent.
- **70 Percent Voluntary Agreement:** Tenants can enter into a Voluntary Agreement with the housing provider to establish the rent for capital improvements, services and facilities, or repairs and maintenance. If the housing provider initiates the agreement, the tenants must be given at least 14 days to review it after it is filed. The Rent Administrator must approve the Agreement and any conditions must be met before rents can be raised. An approved Agreement affects all tenants, including those who did not sign it.

## How Can I Protest a Rent Adjustment?

A tenant who believes that a rent adjustment is incorrect may file a tenant petition with RAD, which will send the petition to OAH for a hearing and final decision.

## Are There Protections for Elderly and Disabled Persons?

A tenant who believes he or she fits the definitions of elderly or disabled under the Rent Control Act must file an application with the Rent Administrator and provide a copy to the housing provider. To qualify:

- **As elderly:** A tenant must be at least age 62.
- **As disabled:** A tenant must have a disability as defined by the federal Americans With Disabilities Act (ADA).

## Where Can I Get Help?

For a list of organizations that provide help and support to housing providers and tenants, go to <https://dhcd.dc.gov/service/rent-control>.

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