

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Rental Housing Act of 1985 to limit the amount of fees that a housing provider may charge a prospective tenant associated with processing an application for rental housing, to clarify the fees a housing provider may charge a tenant based on the condition of a unit, and to increase the notice period for rent increases from 30 days to 60 days.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fairness in Renting Clarification Amendment Act of 2023.”.

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 103 (D.C. Official Code § 42-3501.03) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) “Application fee” means the total of all costs or fees that a prospective tenant is required to pay to a housing provider at the time of application or at any time prior to signing a lease as a prerequisite to evaluating or approving a prospective tenant's application for rental housing, including processing, reviewing, or screening the prospective tenant's application, but not including holding deposits.”.

(2) Paragraph (13A) is redesignated as (13B).

(3) A new paragraph (13A) is added to read as follows:

“(13A) “Holding deposit” means the amount a housing provider requires a prospective tenant to pay after a housing provider approves a tenant’s application, which temporarily makes a unit unavailable to other prospective tenants and which if a tenant accepts a unit becomes part of the prospective tenant’s first month’s rent or security deposit.”.

(b) Section 202 (D.C. Official Code § 42–3502.02(a)(3)) is amended by striking the word “March” and inserting the word “February” in its place.

(c) Section 501(a-1) (D.C. Official Code § 42-3505.01(a-1)) is amended as follows:

(1) Paragraph (1) is amended by striking the period and inserting the phrase “; except, that the housing provider shall not issue such notice if the amount of rent that the tenant has failed to pay is less than \$600.” in its place.

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(2) Paragraph (2) is amended by striking the phrase “has the right to file a case in court seeking your eviction if you do not pay the balance of unpaid rent in full within 30 days of this notice” and inserting the phrase “has the right to file a case in court seeking your eviction if the amount of rent you owe is equal to at least \$600 and you do not pay the balance of unpaid rent in full within 30 days of this notice. If the amount you owe is lower than \$600, [name of housing provider] can notify you of the amount due but cannot file a case in court seeking your eviction” in its place.

(d) Section 510 (D.C. Official Code § 42-3505.10) is amended as follows:

(1) Subsection (b) is amended by adding new paragraphs (3), (4), and (5) to read as follows:

“(3) A housing provider shall not charge a prospective tenant any fee other than an application fee prior to signing a lease with the tenant.

“(4) When a housing provider permits a tenant to find a replacement tenant, assign the lease, or sublet, a housing provider may require the outgoing tenant to pay a replacement fee, which shall not exceed the amount permitted as an application fee under this subsection.

“(5) A housing provider shall not require a holding deposit from a prospective tenant who is using a government-funded housing voucher.”.

(2) New subsections (b-1) and (b-2) are added to read as follows:

“(b-1) When a prospective tenant applies for a unit that is owned or operated by a housing provider and within 30 calendar days the tenant applies to one or more other units within the District that are owned or operated by the same housing provider, the housing provider shall charge the prospective tenant only one application fee unless the housing provider is required to perform more than one screening.

“(b-2)(1) A housing provider shall not charge a fee to a prospective tenant before move-in, during a tenancy, or after move-out for services required of the housing provider to maintain a unit in a condition consistent with the implied warranty of habitability and with Titles 12 and 14 of the District of Columbia Municipal Regulations, or substantially similar subsequent regulations; except, that nothing in this subsection prohibits a housing provider from withholding a tenant’s security deposit to replace damaged items if the tenant has caused damage to the unit beyond the standard of ordinary wear and tear as defined in section 217(c)(3).

“(2) A housing provider shall not charge a tenant a professional cleaning fee so long as the tenant returns the premises to the housing provider in a condition within the standard of ordinary wear and tear as defined in section 217(c)(3).”.

(e) Section 554(b) (D.C. Official Code § 42-3505.54(b)) is amended by striking the phrase “15 days” and inserting the phrase “30 days” in its place.

(f) Section 904(b) (D.C. Official Code § 42-3509.04(b)) is amended by striking the phrase “30 days after the notice of the increase is given to the tenant” and inserting the phrase

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“60 calendar days after the notice of the increase is given to the tenant; provided, that the requirements of section 554(b) are met” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia