

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
HOUSING REGULATION ADMINISTRATION
RENTAL ACCOMMODATIONS DIVISION

**ELDERLY AND DISABLED TENANT CLAIM OF EXEMPTION FROM
CAPITAL IMPROVEMENT RENT SURCHARGE INCREASE**

Tenant Name: _____ Date: _____

Address: _____ Registration No. _____
Street Number, Name, & Unit Number

_____ Capital Improvement Case No.

_____ Amount of Surcharge

Section 210 of the Rental Housing Act of 1985, as amended (Act), D.C. Official Code § 42-3502.10 (2008 Supp.), allows a housing provider (landlord) to increase the rent charged of a rental unit after improvements made to the unit pursuant to the Rent Administrator's approval of a Capital Improvement petition. Section 206(f) of the Act, D.C. Official Code § 42-3502.06(f) (2008 Supp.), provides, except where permitted by the Act, a capital improvement increase in the rent charged shall not be assessed against any elderly or disabled tenant who leases and occupies a rental unit regulated under the Act. Instead, the housing provider may receive a real property tax credit in the amount of \$1 for each \$1 of the capital improvement rent increase granted by the Rent Administrator that is not implemented.

D.C. Official Code § 42-3502.06 (f) (2008 Supp.) provides the definitions below for elderly and disabled tenants. Place an "X" on the line for the claim(s) that applies to you:

_____ **"Disabled tenant"** means an person who has: (i) [a] disability, as defined in section 3(2)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(2)(A) and 29 C.F.R. § 1630.2(g)(1); and (ii) an income of not more than \$40,000 per year at the time of approval by the Rent Administrator of a petition for capital improvements. You must submit: 1) a medical certificate; and 2) a copy of the income tax return from the previous year.

_____ **"Elderly tenant"** means an individual who is, and who proves to the satisfaction of the Rent Administrator that he or she is, at least 62 years of age, and has an income of not more than \$40,000 per year at the time of approval by the Rent Administrator of a petition for capital improvements. You must submit: 1) a birth certificate; and 2) a copy of the income tax return from the previous year.

Proof of qualification for exemption from a capital improvement rent surcharge must be submitted, for approval, to the D.C. Office of Administrative Hearings within 15 days after receipt of the hearing notice on the capital improvement petition. Return this form to the D.C. Office of Administrative Hearings (OAH), One Judiciary Square, 441 – 4th Street, N.W. Washington, D.C. 20001-2714. You must also send a copy to your housing provider. For additional information contact OAH on (202) 442-9094.

Please note that the housing provider may increase the actual rent charged of an elderly or disabled tenant if the housing provider proves to the satisfaction of OAH that the amount that would be collectable from elderly and disabled tenants at the housing accommodation would exceed the amount of real property taxes that would be payable during the calendar year with respect to the housing accommodation. The increase in the rent charged shall not exceed the amount of the capital improvement surcharge.

Signature of Tenant

Name of Tenant (please print)

Approved / Disapproved: _____ Date: _____ Initial: _____

If you are aware of corruption, fraud, waste, abuse, or mismanagement involving any D.C. government agency, official or program, contact the Office of the Inspector General (OIG) at the OIG Hotline, (202) 727-0267 or (800) 521-1639 (toll free). All reports are confidential and you may remain anonymous. By law, government employees are protected from reprisals or retaliation by their employers for reporting to the OIG. The information you provide may result in an investigation leading to administrative action, civil penalties, or criminal prosecution in property cases.