



Tenant Rights and Responsibilities in the District

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Basic D.C. law on tenant evictions

In the District, a landlord may evict a tenant only for a reason specified in section 501 of the Rental Housing Act of 1985.

(D.C. Official Code § 42-3505.01(a) - (j)).



The valid bases for eviction in D.C.

- Section 501(a): Nonpayment of rent (a copy of the “Notice to Vacate” does not need to be served on the Rent Administrator, all other NTVs do).
- Section 501(b): Violation of an obligation of tenancy (30 day notice with opportunity to cure).
- Section 501(c): Court determines that tenant or occupant has performed illegal act (30 day notice).



The valid bases for eviction in D.C.

- Section 501(d): Owner's personal use and occupancy (90 day notice).
- Section 501(e): Contract purchaser's personal use and occupancy (90 day notice).
- Section 501(f): Alterations and renovations that cannot safely be made while the units are occupied (temporary relocation, not permanent eviction) (120 day notice).



The valid bases for eviction in D.C.

- Section 501(g): Demolition (180 day notice).
- Section 501(h): Substantial rehabilitation (temporary relocation) (120 day notice).
- Section 501(i): Discontinuation of housing use (180 day notice).
- Section 501(j): Conversion to condo or coop (90 day notice).



IMPORTANT!!!

*Foreclosure is not a
valid basis to evict a
tenant in the District
of Columbia!*



Following Foreclosure:

Most likely valid grounds for eviction

If tenant fails to pay rent or meet lease obligations (section 501(a) & (b)); or

Property is sold for purchaser's personal use and occupancy (section 501(e)).



Following Foreclosure:
New landlord, same lease

The tenancy continues under the same lease terms, only with a new landlord. Bank or purchaser at foreclosure sale steps into the shoes of the landlord and has all the same rights and responsibilities.



Following Foreclosure: *Landlord registration*

When the new owner receives the Foreclosing Trustee's Deed, the landlord is required to register the property with the District.

The new landlord may not be able to raise your rent due to lack of compliance.



Following Foreclosure: *Duration of tenancy*

The terms of the lease remain the same, whether you are in the initial lease period or you have a month-to-month tenancy. A tenant cannot be evicted in D.C. just because the initial lease term expires! After the initial lease term expires, the tenancy automatically goes to month-to-month, also under the same lease terms.



Following Foreclosure: *Rent amount*

Units under rent control may stay under rent control (generally rent can be raised only once per year, by the CPI for elderly and disabled tenants or by the CPI + 2% for all other tenants; current CPI is 0.05%).

For units not under rent control, the only limits on the amount or the frequency of rent increases are those agreed to in the lease or otherwise.




Tenant Opportunity to Purchase Act (TOPA)

Generally in DC, a tenant has a right to purchase a rental unit that is put up for sale.

Transfers of ownership pursuant to foreclosure or foreclosure sale are *exempt* from TOPA (D.C. Official Code § 42-3404.02(c)(2)(C)).


TOPA *does* apply to any subsequent sale of the property.



What to do if you receive a Notice to Vacate or any other foreclosure notice

Let the new owner and whoever sent you the notice know you are a tenant in the property.


If you have received notices from a bank or from the bank's lawyer about the foreclosure, make sure they know you are a tenant.



What to do if you receive a Notice to Vacate or any other foreclosure notice

Find out where you should start sending your rent. If your home has a new owner, including a bank, you should start sending your rent to the new owner.


If the due date for your rent to be paid is approaching, try to contact the bank, Mortgage Company or new owner, or its attorney, and ask for an address where you can pay rent.



What to do if you receive a Notice to Vacate or any other foreclosure notice


Use the OTA form or a similar form, and send it by certified mail so you can prove it was received. Also send a photocopy of your lease along with the form.

If you have a housing voucher, you should inform the new owner, and you should ask the new owner to cooperate by “leasing up” with the voucher program.



*What to do if you receive a Court
Summons*

... ***GO TO COURT***
on the court date!



What to do if you receive a Notice to Vacate or any other foreclosure notice

Contact a lawyer for advice.

If you have questions about what your rights are, you should talk to a lawyer right away. Some people who can help are:


Legal Aid Society: 202-628-1161

DC Law Students in Court: 202-638-4798

Bread for the City: 202-265-2400

Legal Counsel for the Elderly: 202-434-2120

Neighborhood Legal Services: 202-682-2700



What to do if you receive a Notice to Vacate or any other foreclosure notice

You can also contact the **D.C. Office of the Tenant Advocate** at 202-719-6560, or email the OTA's Foreclosure Program Manager Hicham Mokhtari at: hicham.mokhtari@dc.gov.

Or visit the OTA at: 1250 U Street, N.W., Fourth Floor