

Dist #	Tenant 2/1/73	Tenant	A		B	
			Proposed	Rent 2/1/73	9/1/74	8/1 Rent
702	HOYBERGER, LOUISE		260	200.00	225	227-
703	WHALEN, HELEN		260	200.00	225	227-
704	PAWSON, MARY	5/25/74 Drawl	275	207.00	233	275-
705	KINNEY, C.C.		355	282.00	317.74	330-
706	GREENBERG, PAUL	6/16/74 T. K. Lee	390	328.00	363.43	362-
707	HAWFIELD, ANNE		375	246.00	276.	280-
708	POULOS, ACHILLES		255	205.00	232	232-
709	SALEN, ALVA		255	205.00	230	232-
710	CLANCEY, MARTIN	6/16/74 T. K. Lee	320	251.00	282	272-
711	LOWMAN, HAROLD	3/11/74 T. K. Lee	350	254.00	285.29	350-
712	CARTER, ALBERT		360	295.00	351.24	325-
712-A	MARTIN, EARL	6/25/73 T. K. Lee	370	318.00	357.2	345-
714	CADALYN, JANE		525	411.00	442.	475-
715	POLI, JOSETTE		265	220.00	247.	245-
716	HODGE, MARGUERITE	10/11/73 T. K. Lee	325	259.00	291.	300-
717	HALPERT, STEWART	7/9/73 T. K. Lee	335	282.00	317.74	305-
718	TREMEARNE, THOMAS		265	205.00	230.	232-
719	KIRLIN, FLORENCE		340	270.00	323.	305-
801	HINES, GEORGE		345	272.00	305	305-
802	CALE, MARY		260	205.00	230.	232-
803	LEVY, SARAH		260	200.00	225.4	227-
804	RONHOVOE, ERIK	7/16/73 HE	275	210.00	236.	235.
805	MAU, LORETTA		355	282.00	317.74	330-
806	SOBERNHEIM, RUDOLF		390	328.00	368.	362-
807	CHUMBRIS, PETER		325	249.00	280.7	280-
808	JIMMINK, MARY	7/16/74 T. K. Lee	270	226.00	254.84	245-
809	ELDRED, EPPA		255	205.00	230.	232-
810	HAMILTON, FRANCIS		320	256.00	288.53	292-
811	SACCARDI, WILLIAM		350	297.00	334.9	321-
812	CRENSHAW, HILDA	7/13/73 T. K. Lee	360	277.00	319.	315-

Unit #	Tenant	New Tenant	Rent 2/1/73	A proposal	Rent 2/1/77	B 9/1/74	Rent 9/1/74
712-A	HELLER, CLARENCE		390.		308.50	3464	351-
814	MARTIN, THOMAS		525.		420.00	4704	475-
815	HAUG, MARIENNE		265		210.00	2367	248-
816	PYLES, FLORENCE		325		259.00	2710	300-
817	STONE, CHAPIN		325		259.00	2910	300-
818	VICKERY, MAMIE		265		205.00	2300	232-
819	HOUGH, JOE		345		270.00	3034	305-
901	BENZIGER, NANNIE		345		275.00	3094	315-
902	GREEN, ADE LAIOE		265		215.00	2420	238-
903	INGDEE SEMMENS		265		205.00	2305	245-
904	GOETCHERIAN, ELIZABETH		265	9/1/73	231.00	2595	245-
905	DUFFEY, ESTHER		360		287.00	3228	325-
906	BOTEKER, DOROTHY		390		313.00	3526	356-
907	SLACK, EILEEN		325		254.00	2859	275-
908	LILEY, PATRICK	8/1/73	270		231.00	2595	245-
909	WEHLE, RUTH		265		210.00	23667	238-
910	HEUMAN, MAX		330		259.00	2910	300-
911	AITKEN, LINDA	VAC	375		303.00	3410	327-
912	JOSLIN, P		360		295.00	3314	329-
912-A	CARTER, JOSAPHINE		390		313.00	3528	356-
914-2B	MITCHELL, MYRON		525		425.00	4772	480-
915	COUDREAU, KENNETH		275		235.00	2644	250-
916	LINN, JOHANNES		275		297.00	33459	340-
917	SCHLOSSER, ALLAN		375		261.00	2935	340-
918	MCCUIRE, BERNICE		265		210.00	2367	238-
919	HILL, B-HOWELL		345		275.00	3098	315-
1001	HAMMER, ETHEL		345		275.00	3098	315-
1002	TASKER, MILORED		265		205.00	2305	232-
1003	TERRETTA, DOROTHEA		375		224.00	25259	245-
1004	SADOU, SUE		265		210.00	2567	235-

A
Proposed

B
9/1/74

apt #	tenant	New tenant	rent 2/1/73	rent 8/1
1005	HAWKINS, LUNEVA	360	287.00	322.50
1006	KERR, FLORENCE	390	313.00	351.50
1007	GOLD BERG, HARRY	325	254.00	285.00
1008	ORLOWSKI, LEON	275	210.00	236.00
1009	MERKEL, CHARLES	265	210.00	236.00
1010	DALLA-SANTA, PASQUAL	350	282.00	317.00
1011	COMMAERT, MARGARET	335	259.00	291.00
1012	NAGLE, RHEA	360	282.00	317.00
1012-A	WOLLIAK, EUGENIA	390	313.00	352.00
1014	CRANE, JACOB	525	425.00	477.00
1015	BUDMAN, ISAAC	265	210.00	236.00
1016	HAN, H.C.T.	335	264.00	297.00
1017	O'CONNELL, J.E.	335	264.00	297.00
1018	IRWIN, IRMA	265	210.00	236.00
1019	FINE, RUTH	345	275.00	309.00
1101	KILERANE, MICHAEL	345	275.00	309.00
1102	DOUGHERTY, GRADYS	265	205.00	230.00
1103	FRANCIS, MADELINE	265	205.00	230.00
1104	DCERES, JEANNE	265	210.00	236.00
1105	BERNARD, JESSE	360	287.00	322.50
1106	POWELL, EVELYN	390	313.00	352.00
1107	NANCY/LANG	325	264.00	297.00
1108	PERRY, WILLIAM	275	210.00	236.00
1109	CONDON, DAVID	265	210.00	236.00
1110	RITZEN BERG, + SABON	350	259.00	291.00
1111	SNYDER, FREDERCK	335	261.00	293.00
1112	PICKERING, EILEEN	360	282.00	317.00
1112-A	HIMBICHS, ALBERT	390	333.00	374.00
1114	BEYER	525	425.00	477.00
1115	KEYSER, CHARLOTTE	265	210.00	236.00
1116	SCHIFF, ERIC	335	264.00	297.00

		A		B
kt #	Servant 2/1	new servant	Rent 2/1	Rent 8/1
1117	LANE	335	264.00	295.2
1118	RAUCH	245	210.00	236.7
1119	AUFRICHT	345	275.00	309.0
			5,570.00	

\$58,718.00

Garage Rental + 2,440.
\$61,158

\$53,377.00

\$52,552

Garage + 2,060
Rental 54,612.

HOUSING RENT COMMISSION

In RE THE YORK
APT. BLDG. [Apt. No., Address] No. _____
532 20th Street, N.W.

Petition For Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ COLUMN B per month. See attached list
(\$ 19,203)
The adjusted rent ceiling prayed for is \$ COLUMN A per month, effective November 1, 1974, or sooner if possible. (\$ 22,220.)

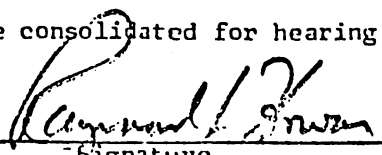
The name(s) of the tenant(s) of the said housing accommodation is/are furnished upon request

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement ~~(including substantial renovation)~~ as defined by the Internal Revenue Code.
- Inability to earn a reasonable return on investment.
- Rents substantially below market for comparable accommodations.
- Losses incurred ^{since} ~~since~~ June ~~XXXXXX~~ 1974. due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____ [Specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7 (b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.



Signature

RAYMOND J. HOWAR

Name

SE #	Tenant 7/74	New Tenant	Rent 7/74	B ⁵⁵ 9/1/74	A Proposed Rent 8/1/74
7	LEVY		22.50	25.27	30-
58	HAWFIELD		22.50	25.27	30-
59	SHUBAILET	12/1/73 WELCH	22.50	25.27	30-
60	BLOCH	6/1/73 COYNE	22.50	25.27	30-
61	DECKER		22.50	25.27	30-
62	HATT		22.50	25.27	30-
63	ROUSE		22.50	25.27	30-
64	MITCHELL		22.50	25.27	30-
65	STEVOUICH		17.50	19.65	25-
66	MERKEL		22.50	25.27	30-
67	ORLOWSKI	8/1/73 GALEN	22.50	25.27	25-
68	DARGLIESH	11/1/73 PUGH	22.50	25.27	30-
69	EDMUNDS		22.50	25.27	30-
70	DAWSON	VACANT	22.50	25.27	30-
71	CAMMHERT		22.50	25.27	30-
72	SCHIFF		22.50	25.27	30-
73	MCLEWEE	VACANT	22.50	25.27	30-
74	MANN		22.50	25.27	30-
75	FLATHER		22.50	25.27	30-
76	SOUTHERLAND		22.50	25.27	30-
77	HEMB	VACANT	22.50	25.27	30-
78	IRWIN		22.50	25.27	30-
79	GOODPASTURE	VACANT	22.50	25.27	30-
80	BURTON		22.50	25.27	30-
81	VACANT	Engineer	22.50	25.27	30-
82	DAILA-SANTA	12/1/73 FRYE	22.50	25.27	30-

The rest are outside garage
 \$ 2,000.00
 \$ 2,060.00 \$ 2,440.00

Appt #	2/1 Tenant	New Tenant	A	2/1/73 Rent	B 9/1/74	2/1/73 Rent	5/1/73
302	OMO HUNDBRO		220	172-	193-	250-	
303	KADA		235	195-	219-	216-	
304	SHEEHAN	9/1/73 June	220	169-	190-	200-	
305	YARASHUS	11/1/74 July	230	190-	213-	210-	
306	FARMER		130	100-	112-	120-	
307	TOULOUSE	6/16/74 June	165	133-	149-	145-	
308	DIFF	5/1/74 June	135	108-	121-	130-	
309	MASON		170	133-	149-	156-	
310	MCCAMBRIDGE	3/16/74 June	170	133-	149-	160-	
311	GUICE		175	136-	153-	162-	
312	BLEVINS	4/1/73 June	130	141-	158-	167-	
314	HOHLT	10/1/73 Caption	180	131-	147-	160-	
315	BONINA	5/1/74 June	175	133-	149-	165-	
400	L'ITALIEN	11/1/74 June	175	131-	147-	165-	
401	WILSON	4/16/74 June	235	179-	201-	220-	
402	LORENA		225	174-	195-	205-	
403	HOULT	3/1/73 June	240	176-	198-	220-	
404	ARNOLD		225	174-	195-	200-	
405	IHNAT	3/1/73 June	235	179-	205-	216-	
406	GALLUCIO		130	100-	112-	120-	
407	ANDERSON		165	121-	136-	145-	
408	STEG FELLNER	11/1/73 June	135	108-	126-	125-	
409	PETRICH	11/1/74 June	180	133-	149-	170-	
410	CORAZON		165	138-	155-	156-	
411	MYRICK		175	136-	153-	162-	
412	HYLE		170	131-	147-	156-	
414	SHIPLETT		170	131-	147-	156-	
415	RODRIGUEZ	3/1/74 June	175	133-	149-	165-	
500	GILBERT	8/1/73 June	125	141-	158-	155-	
501	HARTMAN	4/1/74 June	235	179-	201-	220-	
502	TEITELBAUM	6/16/74 June	225	174-	195-	205-	

Dist #	Agent 2/1	New Agent	Rent 2/1/73	Rent 8/1/74
704	DE WILDE	7/1/74	174 - 195	200 -
705	HAACK	225	174 - 195	200 -
706	PASQUALE	130	100 - 112	120 -
707	ECHTER	5/1/74 175	121 - 136	160 -
708	TRUJILLO	1/10/74 135	107.50 121	125 -
709	WILHITE	180	144 - 163	162 -
710	MUNDALE	170	121 - 136	150 -
711	HAACK	180	136 - 153	162 -
712	HNATT	180	131 - 147	156 -
714	CROVIN	180	141 - 158	162 -
715	RUTLEDGE	7/1/74 170	133 - 149	145 -
800	McMURTRIE	170	131 - 147	155 -
801	MURPHY	235	179 - 201	210 -
802	MILES	4/1/73 240	174 - 195	210 -
803	HUNDLEY	245	200 - 225	220 -
804	KANIN	225	174 - 195	190 -
805	DOBBS	235	190 - 213	216 -
806	SMITH	130	105 - 118	120 -
807	WHITING	175	121 - 136	145 -
808	MILLER	130	100 - 112	120 -
809	LOUGH	180	133 - 149	156 -
810	MEZZAROS	170	121 - 136	150 -
811	HAPPER	170	152 - 171	165 -
812	MCSTAY	180	145 - 163	155 -
814	TUCKER	5/1/73 180	141 - 158	155 -
815	HAUSMAN	170	133 - 149	156 -

A = \$222.20

19,762.00

\$19,203.

Appt #	Tenant	New Tenant	Proposed		B	
			Rent 2/1/73	Rent 9/1/74	Rent 8/1/74	
503	KAHN	5/10/74 Reading	240	195-	219.2	216-
504	KULLMAN		225	169-	190	200-
505	FORST	10/1/73 Caltex	230	185-	208.7	205-
506	BILLINGS		130	100-	112	120-
507	FERRER	7/1/74 Avalon	175	133-	149	160-
508	WHITTAKER	9/10/73 Avalon	135	108-	121.0	120-
509	PONS	8/21	170	133-	149	156-
510	ANDO	5/1/74 Avalon	175	121-	136	160-
511	ZIESMER	7/1/74 Avalon	180	136-	153	175-
512	OKOLO-KULAKAS		180	141-	158.7	162-
514	LINDSEY	10/1/73 Shulps	170	131-	147.3	155-
515	POLLES		170	123-	138	145-
600	KANEMY	5/1/73 Farm	175	141-	158.7	165-
601	COOPER		235	179-	201.5	210-
602	DUNLAP		225	180-	202	205-
603	HEISS		235	195-	219.2	216-
604	MOORHEAD		225	174-	195	200-
605	FOLINO	3/16/73 Highline	235	190-	213.0	216-
606	MCDONALD	VACANT	130	108-	121.0	120-
607	ESSEY		175	138-	155.00	156-
608	GALLOWAY	12/16/73 Avalon	135	100-	112.2	130-
609	BROWN		175	133-	149.2	156-
610	MARTON	1/1/74 Jabaco	170	133-	149	155-
611	TUTTLE		180	136-	153	162-
612	KRESS	5/1/73 Baker	180	131-	147.3	155-
614	HAFMANS		180	141-	158.7	162-
615	KALMANOWITZ	5/16/73 Avalon	170	133-	149	145-
700	LISKO		170	131-	147	155-
701	SPO SATO	1/1/73 Shemas	225	179-	201.5	195-
702	FALK		235	190-	213.0	210-
703	MILLER		230	179-	201.5	208-

152257

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MAYOR'S COMMAND CENTER

RECEIVED

26 Aug 74 11 09 D

OFFICE OF
CIVIL DEFENSE
EXEC. COMD. CTR

REFERENCE FILE NR	INFORMATION SOURCE DATA
PREPARED BY ID NUMBER <i>205</i>	Volunteered by _____
PROCESSED BY ID NUMBER <i>117</i>	Solicited/Monitored from _____

WHAT	1	RENT CONTROL PROBLEM
WHEN	2	
WHERE	3	<i>518 - A ST SE. 20003</i> (Address)
WHO	4	<i>Mr. Robert Schramm</i> (Name) (Col. No.)
WHY	5	

DETAILS (Reference - item numbers above)

(1) PROBLEM

Send Landlord's petition

DISTRIBUTION (✓)

91	300	301	302	303	304	305	306	307	308
✓	✓								

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

IN RE Appt. 2 1100 M Street N.W.
[Appt. No., Address]
Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 125.00 per month. with a discount of ten dollars if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 210.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Mario Parades

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.

Other _____
[specify]

132092

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MAYOR'S COMMAND CENTER

RECEIVED

3 SEP 74 10 45 AM

OFFICE OF
CIVIL DEFENSE
EXEC. COND. CTR.

REFERENCE FILE NR	INFORMATION SOURCE DATA
PREPARED BY ID NUMBER 301	Volunteered by _____
PROCESSED BY ID NUMBER 117	Solicited/Monitored from _____

WHAT	1	RENT CONTROL PROBLEM
WHEN	2	
WHERE	3	<i>5910 Ripp St. NW</i> (Address) <i>Hyattsville, Md. 20725</i>
WHO	4	<i>Foretsky Management Co.</i> (Tel. No.)
WHY	5	

DETAILS (Reference - item numbers above)

(1) PROBLEM

Send a hardship form to Collier

DISTRIBUTION (✓)

91	300	301	302	303	304	305	306	307	308
✓	✓								

532 20 20 *AS*

ct #	Street #1	Revised Rent	Rest 5/1/73 Not rented	B Rent 8/1/74	Rest 8/1/74
01	AURELL	210	164-	181.40	195-
02	HCKE	210	166-	186.5	195-
03	VACANT	VACANT	164-	177.225c	
04	IGNATIUS	210	175-	197.00	195-
05	AURELL	200	154-	173.7	185-
06	NEWCOMB	5/11/74 111/74 110	95-	107.0	120-
07	HECKATHORN	11/17/74 110	121-	136.0	150-
08	RICHARDS	11/6/74 110	120-	135.0	120-
09	ARTHUR	165	141-	155.159	156-
10	MACCOMSON	150	108-	121.0	130-
11	RHOE	5/11/73 160	117-	131.11	145-
12	ASHLEY	160	117-	131.1	140-
14	VARNELL	160	117-	131.1	125-
15	BCSWELL	150	92-	103.3	110-
160	RISTICH	175	141-	158.7	168-
201	WINK	225	177-	199.0	205-
202	O'HARA	220	172-	193.9	200-
203	HOPPE	225	174-	195.43	205-
204	MOORE	220	169-	190.0	200-
205	LEE	220	164-	184.0	195-
206	KAUFMAN	135	110-	120.0	125-
207	WADHAMS	5/11/73 165	133-	141.96	145-
208	EMBERGER	11/16/73 100	100-	117.22	125-
209	BAUER	11/16/73 180	131-	141.8	170-
210	CAVE	165	135-	152.0	156-
211	SMITH	165	129-	145.9	152-
212	WITT	4/11/74 180	141-	158.7	170-
214	LANGLEY	VACANT 130	85-	177.7c	
215	DOYOUNG	6/11/74 135	120-	135.72	165-
200	FISHMAN	4/12/73 175	141-	155.37	160-
201	LOCLEF	10/11/73 225	177-	199.0	205-

4200 Cathedral - Garage #21

Handwritten signature/initials

Unit #	Tenant	2/73 new Tenant	Rent 7/73	B Rent 7/74	8/1/74
1	Mattis		22.50	25.27	30-
2	Sacardi		22.50	25.27	30-
3	Inget Semmer		22.50	25.27	30-
4	Bawczyk		22.50	25.27	30-
5	Harper		22.50	25.27	30-
6	Harper		22.50	25.27	30-
7	Swanson		22.50	25.27	30-
8	LANE		22.50	25.27	30-
9	MILLER		22.50	25.27	25-
10	RILEY	7/9/73 VARALLYAY	22.50	25.27	30-
11	WHALEN		22.50	25.27	30-
12	STONE		22.50	25.27	30-
13	KING		22.50	25.27	30-
14	JOSLIN		22.50	25.27	30-
15	VACANT	RESIDENT 5/2/74	22.50	25.27	30-
16	SAID	OWEN	22.50	25.27	30-
17	SNYDER	VACANT	22.50	25.27	30-
18	BOLISE		22.50	25.27	30-
19	CHISM	VACANT	22.50	25.27	30-
20	GOETCHARION	VACANT	22.50	25.27	25-
21	BRUCE		22.50	25.27	30-
22	DENNERT		22.50	25.27	30-
23	WATT		22.50	25.27	30-
24	SCHLOSSER	VACANT 11/1/73	17.50	19.65	25-
25	RITZENBERG	KGELEY	22.50	25.27	30-
26	SOBERNHEIM		22.50	25.27	30-
27	VICKERY		22.50	25.27	30-
28	MCCOMB		22.50	25.27	30-

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 5 - 1400 K Street N.W.,
[Apt. No., Address]
Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 111.00 per month. with a discount of ten dollars if paid within five days of date.

The adjusted rent ceiling prayed for is \$ 190.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are _____

Guang Hwa Yang

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____
[specify]

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 4 - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 98.00 per month. with a discount of ten dollars if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 190.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Man Pok Lee

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____

[specify] _____

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Art# 3 - 7400 M Street N.W.
[Apt. No., Address]

No. _____

Washington, D.C.

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 102.00 per month. with a discount of ten dollars if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 210.00 per month, effective November 1, 1974, or sooner if possible. with a discount of ten dollars if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Chunk Gon Chan

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase moratorium.
- Other _____

[specify]

	7/1/73	New Tenant	Rent 7/73	B 9/1/74	Rent 8/1/74	A 1/1/74
7	PERRY		22.50	25.27	30-	
8	HAUG		22.50	25.27	30-	
9	HOYBERGER		22.50	25.27	30-	
10	WEHLE		22.50	25.27	30-	
11	GOUDREAU	4/1/73 MILLER	22.50	25.27	30-	
12	HOSKINSON		22.50	25.27	30-	
13	PICKERING		22.50	25.27	30-	
14	CASTORO	7/1/73 SWIFT	22.50	25.27	30	
15	MILLER		22.50	25.27	30-	
16	BEST		22.50	25.27	30-	
17	NODINE		22.50	25.27	30-	
18	LANG	5/1/73 NODINE	22.50	25.27	30	
19	WEBBER		22.50	25.27	30-	
20	PAUL		22.50	25.27	30-	
21	CANDIDO	2/13/73 SLACK	22.50	25.27	30-	
22	SHELDON		22.50	25.27	30-	
23	HAMILTON	5/16/74 PRICE	22.50	25.27	30-	
24	GREEN		22.50	25.27	30-	
25	HILL		22.50	25.27	30-	
26	MILLER	6/1/73 NANNES	22.50	25.27	30-	
27	WINEBURG	VACANT	22.50	25.27	30-	
28	MCGUIRE		22.50	25.27	30-	
29	CONSTANTINOPLE		22.50	25.27	30-	
30	HINES		22.50	25.27	30-	
31	PERKEY	7/6/74 DONOVAN	22.50	25.27	30-	
32	MCDOWELL		22.50	25.27	30-	
33	FENZIGER		22.50	25.27	30-	
34	PARK		22.50	25.27	30-	

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nasit
Signature

THOMAS K. NASIT
Name

Owner/manager
Title:

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

Thomas K. Nash
Name

Owner/manager
Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 6 - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 111.00 per month. with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 190.00 per month, effective 17.00 with a ten dollar discount if paid within five days of due date.
November 1, 1974, or sooner if possible.

The name(s) of the tenant(s) of the said housing accommodation is/are Rafael Martinez

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____
[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: owner/manager

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____,

signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS R. NASH
Name

Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Art# 7 - 1400 K Street N.W.,
[Apt. No., Address]

Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the
above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 98.00 per month. with a discount of ten dollars
if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 165.00 per month, effective date
November 1, 1974, or sooner if possible. with a discount of ten dollars if paid
within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are
Lenora Penacheuera

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.

Other _____
[specify]

[Specify]

- Other
- Microfilm.
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase
- Rents substantially below market for comparable accommodations
- Inability to earn a reasonable return on investment
- Capital improvement (including substantial rehabilitation)
- Increases in living space or related services
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increase in property taxes

The reason(s) for the adjustment prayed for is/are:

Ho Kam Chan

The name(s) of the tenant(s) of the said housing accommodation is/are

November 1, 1974, or sooner if possible.

The adjusted rent ceiling prayed for is \$165.00 with a ten dollar discount if paid within five days of due date.

The present rent ceiling is \$98.00 per month, effective date.

above-captioned housing accommodation by reason of hardship.

Request is hereby made for adjustment in the rent ceiling applicable to the

Petition for Adjustment To Rent Ceiling

Washington, D.C.

[Apt. No., Address]

In RE

BEFORE THE DISTRICT OF COLUMBIA HOUSING RENT COMMISSION

No.

Potitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____,

signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nasit
Signature

THOMAS K. NASIT
Name

Title: Lawyer/manager

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt. 9 - 1400 M Street N.W.
[Apt. No., Address]
Washington, D.C.

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 87.00 per month, with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 155.00 per month, effective November 1, 1974, or sooner if possible, with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Amelia De La Cruz

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____ [specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE Apt# 10 - 1400 M Street N.W. :
[Apt. No., Address] :
 :
Washington, D.C. :

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 111.00 per month. with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 155.00 per month, effective November 1, 1974, or sooner if possible. with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are _____
John Li

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____

[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Wash
Signature

THOMAS K. WASH
Name

MANAGER
Title: [owner/manager]

District of Columbia) ss.

• Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires: _____

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.

Thomas K. Nash
Signature

THOMAS K. NASH
Name

Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the _____ day of _____, 1974, personally appeared _____, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public D.C.

My Commission Expires:

10

BEFORE THE DISTRICT OF COLUMBIA HOUSING RENT COMMISSION

RE Apt# 1 - 1400 M Street N.W.

[Apt. No., Address]

Washington, D.C.

No.

Petition for Adjustment To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 118.00 per month.

with a ten dollar discount if paid within five days of due date.

The adjusted rent ceiling prayed for is \$ 210.00 per month, effective November 1, 1974, or sooner if possible.

with a ten dollar discount if paid within five days of due date.

The name(s) of the tenant(s) of the said housing accommodation is/are Rosario Silva

The reason(s) for the adjustment prayed for is/are:

[] Increase in property taxes

[x] Unavoidable increases in operating costs and maintenance expenses since February, 1973

[] Increases in living space or related services

[] Capital improvement (including substantial rehabilitation)

[x] Inability to earn a reasonable return on investment

[x] Rents substantially below market for comparable accommodations

[] Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase moratorium.

[] Other

[specify]

18

LAW OFFICES

McNUTT, DUDLEY, EASTERWOOD & LOSCH
BARR BUILDING
WASHINGTON, D. C. 20006

296-4222
CABLE ADDRESS "McNUTTLAW"

PAUL V. McNUTT (1948-1055)
HENRY A. DUDLEY
O. P. EASTERWOOD, JR.
ROBERT E. LOSCH
MICHAEL F. CURTIN
ROBERT H. HUNT

NEW YORK OFFICE
FRANK A. CELENTANO
102 MAIDEN LANE
DIGBY 4-9200

September 17, 1974

Housing Rent Commission
District of Columbia
Municipal Building - Room 5009
300 Indiana Avenue, N. W.
Washington, D. C. 20001

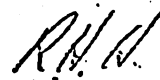
Gentlemen:

Enclosed herewith please find the Petition for Adjustment to Rent Ceiling of Mr. Thomas Meloy concerning the apartment dwelling at 1619 30th Street, N. W., Washington, D. C.

We urgently request your expedited attention to this hardship petition since the roll-back rents force Mr. Meloy into a cash flow loss of \$5,258.44 a year.

Communication from your office concerning this petition should be sent to my attention.

Very truly yours,



Robert H. Hunt

Encl.

cc: Washington Board of Realtors
Mr. Thomas Meloy
C. Millicent Chatel, Wise & Gilliat, Inc.
(all with enclosure)

	<u>Roll-Back Rent</u>	<u>Rents Collected Prior to Roll-Back</u>
Apt. 102	\$ 305.00	\$ 314.49
Apt. 103	201.05	250.00
Apt. 104	184.20	250.00
Apt. 105	207.79	335.00
Apt. 106	230.25	300.00
Apt. 201	299.33	335.00
Apt. 202	247.10	266.00
Apt. 203	184.20	250.00
Apt. 204	184.20	245.00
Apt. 205	259.45	260.00
Apt. 206	<u>235.87</u>	<u>300.00</u>
Monthly Total Income:	\$ 3,846.99	\$ 4,655.49

(Difference of \$808.50 per month, or \$9,702.00 per year)

The excess of receipts over disbursements from August 1973 to August 1974 at the rents before roll-back was only \$4,443.56. Thus, it can be seen that the roll-back rents would eliminate this excess and would cause a cash out-of-pocket loss on the building of \$5,258.44 a year.

(\$9,702.00 minus \$4,443.56 equals \$5,258.44 loss) To force an owner to reduce rents to this extent so that the property will not carry itself is a

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

IN RE: Apartment at 1619 - 30th Street)
)
 Thomas Meloy, Landlord-Owner)
 1715 Electronic Drive)
 Springfield, Virginia 22151)
)

No. _____

PETITION FOR ADJUSTMENT
TO RENT CEILING

Request is made for adjustment in the rent ceilings applicable to the apartments in the above-captioned housing accomodation by reason of hardship.

The monthly rent ceilings that will be established under the Rent Control Regulation and the rents collected prior to the roll back are set forth below:

	<u>Roll-Back Rent</u>	<u>Rents Collected Prior to Roll-Back</u>
Apt. B-1.	\$ 201.05	\$ 290.00
Apt. B-2	149.38	210.00
Apt. B-3	168.48	155.00
Apt. B-4	179.75	200.00
Apt. B-5	179.75	200.00
Apt. B-6	195.43	185.00
Apt. 101	224.64	325.00

severe hardship which is tantamount to confiscation of the property. Instead of receiving a fair return on his investment, the owner will be forced into a loss on his investment. It is therefore respectfully requested that the rentals set forth in the column headed "Rents Collected Prior to Roll-Back" be continued in effect to prevent such a gross inequity and hardship.

Background.

This property was purchased by the present owner in August of 1972. At that time, most of the rental rates of individual units reflected the lower purchase price which the prior owner had paid for the building. Several of the tenants had lived in the building for years and were renting at rates which were especially low as a continuing favor to them. Following the purchase in August of 1972, the present owner raised rents by a modest amount when leases came up for renewal or apartments became vacant, in order to begin to achieve a fair return on his investment and equate rental rates to the then value of the building. Unfortunately, as of February 1, 1973, a number of the apartments were still under the leases that existed in August of 1972, the date of purchase.

Expenses.

The present landlord has taken great pride in this Georgetown apartment building and has invested a large amount of cash to bring the building

up to a first-rate accomodation. He is maintaining the building in top condition which the former owner was not doing.

Names of Tenants.

The names of the tenants now occupying the premises follow:

<u>Apt. No.</u>	<u>Tenant</u>
B-1	Edward Ralph Hamberger
B-2	Irvin Wolf, Ph. D.
B-3	Thomas Dennis Sheehan
B-4	Mrs. Maria De Los Santos Brown
B-5	Richard Tebeka
B-6	Faye Mickelson
101	Marc Lenot
102	James M. Reinach and Joan S. Reinach
103	Daniel Ernst Kohn, M. D.
104	Joan S. Krinsly
105	Jan Jeffrey Sagett
106	Ernest Richard Holz
201	Brian Holmes and Marie Louise Holmes
202	Edith Thomas
203	Robert E. L. Tolbert III
204	Adele Brossard Harnandez
205	Michael W. Dominick
206	Pablo Rodrigues

Summary:

1. The roll-back rents would prevent the owner from receiving a fair return on his investment and would force him into a cash loss position where the building would fail to carry itself by \$5,258.44 a year.

Page five

2. The roll-back rents are unreasonably low because the building was purchased in August of 1972 from an owner with a lower investment than the present owner and in February of 1973, many of the low rents were still in effect.
3. In addition to the normal inflation of operating costs, there have been unavoidable increases in operating costs and maintenance expenses since February 1973, because this building has been redecorated, refurbished and repainted and is being maintained by the present owner in a better condition than it was by the prior owner.
4. The roll back rentals would be substantially below the market for comparable accommodations.

Petitioner respectfully requests that the Commission promptly notify the above listed tenants of the filing of this Petition pursuant to Section 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly.

District of Columbia) ss.

Thomas Meloy
Owner

Before me, the undersigned Notary Public, on the ____ day of September,

1974, personally appeared Thomas Meloy, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.

Notary Public, D. C.

My commission expires:

September 24, 1974

District Of Columbia Housing Rent Commission
Room 509 Municipal Building
300 Indiana Avenue, N. W.
Washington, D. C.

Gentlemen:

We would like an appointment to come in and discuss a rent increase for our two family house # 239 Hawaii Avenue, N. E. We have thirty similar houses on Hawaii Avenue, N. E., all renting for the same amount. We furnish all utilities and for the first six months of this year the average cost per house for electricity, gas and oil was \$445.97. The cost for furnishing these items to #239 Hawaii Avenue was \$904.07.

Although the thermostat is set by us it can be reset by the tenant which apparently has happened here. Although our rental agreement restricts the use of electricity to a refrigerator, lights, vacuum cleaners, radios and T.V.'s and washing machines, there is apparently waste and use for something else as you will see by the cost figures we have quoted.

We respectfully submit and will furnish any additional information necessary in hopes of getting a rent increase from these tenants to pay for the waste of this energy which we all know is in critical supply and becoming costlier.

Very Truly Yours,

Robert P. Tiffey

September 24, 1974

District Of Columbia Housing Rent Commission
Room 509 Municipal Building
300 Indiana Avenue, N. W.
Washington, D. C.

Gentlemen:

We would like to come in and discuss a rent increase for our two family houses #51 and 53 Victor Street, N. E. These houses were built for the owner to furnish the utilities. In 1973 the utility cost for each apartment averaged \$25.76 per month.

In the same area we manage forty similar houses where the tenants all furnish their own utilities. In these houses the new rent controlled rent is \$132.54 each month for each tenant.

In the two houses #51 and 53 Victor Street the rent should be \$132.54 which would be similar to the forty houses plus the cost of utilities which is \$25.76 per month making a total rent of \$158.30 for each apartment.

The adjusted rent controlled rent for 51 and 53 Victor Street is now \$149.95 which is inequitable for the forty similar houses that furnish their own utilities. The rents for 51 and 53 Victor Street had been adjusted to make them comparable the first of this year but your new calculations have put them below the others \$8.35 each apartment.

We respectfully request an increase to make these apartments comparable to the others.

Very Truly Yours,

Robert P. Tiffey

Day made in
NOBA DATA

September 13, 1974

District of Columbia Housing Rent Commission
Room 509, Municipal Bldg.
300 Indiana Avenue, N. W.
Washington, D. C.

Dear Sir:

Enclosed please find a "petition for adjustment to rent ceiling" from ninety nine apartments in the Holmead apartments 3435 Holmead Place, N. W.

This building is now in a deficit cash flow position of \$5,855.04 for this year which would project a loss of \$8,782.00, for 1974.

As a property Manager for this building, housing low to medium income residents. I feel that the owners are entitled to a minimum of a 10 percent return on the initial investment. These petitions reflect the increases needed to insure this income.

Sincerely,

James L. Rankin, CPM
Property Management Department

JLR:co

Encl: stated

cc: Mr. Kenneth Luchs
Mr. Murray
Mr. Decca

BEFORE THE
DISTRICT OF COLUMBIA
HOUSING RENT COMMISSION

In RE 603 @ 3435 Holmead Place, N. W. :
[Apt. No., Address] :
Washington, D. C. 20010 :

No. _____

Petition for Adjustment
To Rent Ceiling

Request is hereby made for adjustment in the rent ceiling applicable to the above-captioned housing accommodation by reason of hardship.

The present rent ceiling is \$ 137.00 per month.

The adjusted rent ceiling prayed for is \$ 168.50 per month, effective November 1, 1974, or sooner if possible.

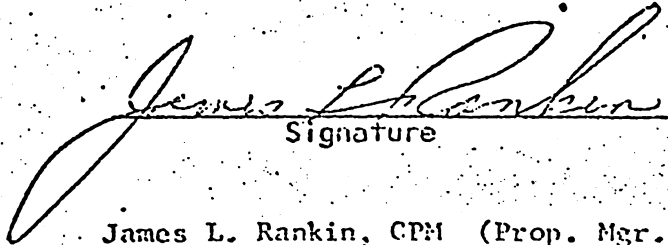
The name(s) of the tenant(s) of the said housing accommodation is/are Olamowa Awasika

The reason(s) for the adjustment prayed for is/are:

- Increase in property taxes
- Unavoidable increases in operating costs and maintenance expenses since February, 1973
- Increases in living space or related services
- Capital improvement (including substantial rehabilitation)
- Inability to earn a reasonable return on investment
- Rents substantially below market for comparable accommodations
- Losses incurred during June and July 1974 due to inability to pass through increases in operating costs during the Rent Increase Moratorium.
- Other _____
[specify]

Petitioner respectfully requests that the Commission promptly notify the aforesaid tenant of the filing of this Petition pursuant to § 7(b) of Regulation No. 74-20.

Petitioner respectfully requests that a hearing on this matter be held promptly and that all petitions filed simultaneously herewith for adjustments to the rent ceiling for housing accommodations located in this same building be consolidated for hearing.



 Signature

James L. Rankin, CPM (Prop. Mgr.)
 Name
 Shannon & Luchs Co
 900 - 17th Street, N. W.
 Washington, D. C. 20006

 Title: [owner/manager]

District of Columbia) ss.

Before me the undersigned Notary Public, on the 17th day of September, 1974, personally appeared James L. Rankin, signatory of the above Petition, who, having first been duly sworn under oath, stated that the facts set forth therein are true to the best of his knowledge and belief.



 Notary Public D.C.

My Commission Expires:

My Commission Expires January 31, 1978

Executive Partners, Inc.
Suite 118
3051 Idaho Ave., N.W.
Washington, D.C. 20016
(202) 686-0131

September 11, 1974

Mr. Timothy Jenkins, Chairman
District of Columbia Housing Rent Commission
Room 5007
300 Indiana Avenue N.W.
Washington, D.C. 20001

re: Warwick Apartments
3051 Idaho Ave., N.W.
Washington, D.C.

Dear Mr. Jenkins:

This is to urgently petition adjustment from the rent ceiling imposed on the above captioned rental property by the District of Columbia Rent Control Act of 1973 (87 Stat. 623; P.L. 93-157).

We visited your offices yesterday to register the units under Section 9 of the Act and to apply for Hardship Relief under Section G. We were told that forms for these procedures were not yet available.

When the forms become available we will immediately fill them out and file them with you. However, our need for Hardship Relief is so urgent that we can not wait for forms. The roll back we executed on September 1st reduced rental income by \$1,268.59 per month. Rent income is not sufficient to pay operating expenses. We can not pay our bills or maintain the building properly.

Paragraph (a) of Section G of the Act reads,
in part,

"...shall observe the principle of maintaining maximum rents for housing accommodations at levels which will yield to the landlords a reasonable return from such housing accommodations."

I am sure many landlords will appeal to you under this principle, but we are not doing so at this time. We are simply petitioning adjustment to meet actual operating costs. Even if you grant our petition, we will not make a profit...we will barely be able to operate the building.

My reading of the Act finds emphasis only on recent cost increases and not on buildings such as ours where rental income is simply not sufficient to pay operating expenses. I don't know what costs were in 1971 and 1972 because we did not purchase the building until April, 1973. However, I do know precisely what the expenses have been and have attached as an exhibit to this petition (Exhibit III) an operating statement from 7/1/73 to 6/30/74 audited by an independent Certified Public Accountant which clearly shows huge cash operating losses during the period.

In addition, I have attached (Exhibit I) a statement which shows that, before the rollback, the building would have still lost money in the 7/1/74 to 6/30/75 period, but that after the rollback it will lose over \$15,000.

Our small company has no financial resources to cover these continuing losses. For instance, our fuel supplier (we burn 48,000 gallons of #2 oil during the winter) refused to deliver fuel unless we paid him \$3,000 in advance as a security deposit. Moreover, we know that fuel this season will cost us at least \$14,571 more than last year. Now that we have reduced rent income there is clearly no way we can afford heating oil without relief.

In compliance with Section 9 of the Act we have attached, as Exhibit II to this petition, a document which lists every apartment in the building, the name of the present tenant, the February 1973 rent for each unit, the new Rent Ceiling, the market rent which all tenants paid on August 1, 1974, the amount of the rollback for each apartment and the amount of adjustment we are petitioning for each unit.

Careful analysis of Exhibit II shows that the February 1973 rent roll was highly discriminating. Some tenants were paying as much as \$30.00 (or even more) greater for their apartment than were others in comparable units. We have been gradually erasing this discrimination so that by last month the rent paid for efficiencies and one bedroom apartments was almost the same for comparable units. The rollback restored the discrimination so that now we have some efficiency apartments renting for \$135.43 and others for \$161.74 instead of the \$160.00 - \$170.00 range which they were before. Due to the roll back we now have some one bedrooms renting for \$157.25 and other comparable units renting for \$207.79, instead of the \$200 - \$208 range they were before. Thus, the rollback has brought about the chaotic condition where many tenants do not pay their fair share of the cost of operating the building simply because the prior owner failed to establish a consistent rent roll. There are even cases where the rollback causes some efficiency renters to pay more than some one bedroom renters. You will please note that the petitioned adjust-

ment only seeks to have all efficiencies pay \$170 per month and all one bedrooms pay \$208 per month. We seek to end the discrimination caused by the rollback wherein many tenants pay substantially less than their fair share of the operating costs.

During the last 16 months, the entire period of our ownership, we have sought to bring the rents up to operating costs and to do so uniformly. Clearly, this meant some tenants got higher increases than others, but this had to be done to establish consistent and fair rent levels throughout the building. We knew we could not raise rents enough to fully cover costs so we sought to reduce expenses also. In this connection we stopped the telephone answering service.

We note that paragraph two of Section 2 of the Act seeks to protect tenants from unjustified (emphasis added) reduction of services. Since rental income was woefully inadequate to pay for it, our elimination of the telephone answering service can hardly be ruled unjustifiable.

In further compliance with Section 9 of the Act we offer the following information:

- (a) The Warwick Apartment building contains 92 rental living units and is located at 3051 Idaho Ave. N.W. The four story brick structure was built in 1939. The building is operated under license #31216 issued October 31, 1974.
- (b) The building has no air-conditioning owned by the landlord. Heating fuel is #2 oil.
- (c) The building was cited for violations (violation notice #075607). We have made all the repairs and have requested reinspection.
- (d) The owner is Executive Partners, Inc. and the address of the Company is on the letterhead of this petition. Our office is located in a former storeroom at the Warwick.
- (e) All the remaining requirements of Section 9 are presented in the exhibits to this petition.

In conclusion, we pray the Commission will institute action on our petition immediately. The real hardship to be relieved will be that of the tenants because without the petitioned rent ceiling adjustments we can not operate the building according to the laws, regulations and rules of the District of Columbia.

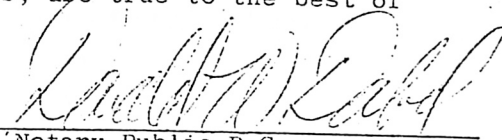
Sincerely,



J. T. Dykman
President

District of Columbia) SS

Before me the undersigned Notary Public, on the 11th day of September 1974, personally appeared J. T. Dykman signatory of the above petition, who, having first been duly sworn under oath, stated that the facts set forth therein, including all exhibits, are true to the best of his knowledge and belief.



Notary Public D.C.

My Commission Expires:

My Commission Expires Sept 14, 1973

cc: Ms. Betty Briscoe
Mr. Oliver Johnson
Mr. Irving Kriegsfeld
Ms. Flaxie Pinkett
Ms. Florence Roisman
Mr. Waddell Thomas
Mr. Edward J. Walsh
Mr. Ernest Withers

Exhibit 1

Warwick Apartments
3051 Idaho Ave. N.W.
Washington, D.C. 20016

A. 7/1/73 - 6/30/74 Actual Audited Operating Statement

Operating Income	\$206,692
Operating Expenses	232,833
Cash Loss	<u>\$ 76,141</u>

B. 7/1/74 - 6/30/75 Projected Operations Before Rollback

Operating Income	\$223,200
*Operating Expenses	224,014
Cash Loss	<u>\$ 814</u>

C. 7/1/74 - 6/30/75 Projected Operations After Rollback

Operating Income	\$208,700
*Operating Expenses	224,014
Cash Loss	<u>\$ 15,314</u>

D. 7/1/74 - 6/30/75 Projected Operations If Granted Petitioned Relief

Operating Income	\$225,648
*Operating Expenses	224,014
Cash Profit	<u>\$ 1,634</u>

E. 7/1/74 - 6/30/75 Operating Income Required to Yield
8% on \$387,000 Investment

\$254,974

* 7/1/73 - 6/30/74 expenses adjusted by reduced interest expense (\$72,390) and increased fuel expenses of \$14,571.

Warwick Apartments
3051 Idaho Ave. N.W.
Washington, D.C. 20016

Apartment Number & Name	February 1973 Rent	Controlled Rent Sept. 1, 1974	Actual Rent Aug. 1, 1974	Roll Back Amount*	Petitioned Adjustment From Rent Ceiling
100 E. Bagdikian	235.00	263.95	295.00	31.05	31.05
101 D. Tennison	145.00	162.86	170.00	7.14	7.14
102 F. Dreiling	135.00	207.79	208.00	.21	.21
103 Vacant	121.00	135.43	160.00	24.57	34.57
104 H. Lowman	164.00	184.20	203.00	18.80	23.80
105 J. Smith	121.00	135.43	155.00	19.57	34.57
106 S. Gates	164.00	184.20	200.00	15.80	23.80
107 M. Mulford	125.00	140.04	160.00	19.96	29.96
114 L. Nelson	121.00	135.43	160.00	24.57	34.57
117 C. Schnell	140.00	157.25	170.00	12.75	12.75
119 P. Hampton	164.00	184.20	203.00	18.80	23.80
120 J. Antunes	180.00	202.18	195.00	(7.18)	5.82
121 M. Bradshaw	164.00	184.20	203.00	18.80	23.80
122 R. Steinberg	190.00	213.41	203.00	(10.41)	(5.41)
123 E. Miller	164.00	184.20	203.00	18.80	23.80
124 P. Stockton	164.00	184.20	203.00	18.80	23.80
125 T. Nugent	245.00	275.18	315.00	39.82	39.82
200 H. Hallowell	174.00	195.44	215.00	19.56	19.56
201 C. Sparks	174.00	195.44	208.00	12.56	12.56
202 J. Corlew	174.00	195.44	208.00	12.56	12.56
203 P. Vessman	144.00	161.74	165.00	3.26	8.26
204 B. Mills	179.00	201.05	208.00	6.95	6.95
205 M. Hines	121.00	135.43	155.00	19.57	34.57
206 R. Saunders	164.00	184.20	200.00	15.80	23.80
207 B. Murek	190.00	213.41	208.00	(5.41)	(5.41)
208 D. Duty	164.00	184.20	200.00	15.80	23.80
209 A. Scudder	185.00	207.79	208.00	.21	.21
210 M. Ficklen	245.00	275.18	300.00	24.82	24.82
211 R. Batson	144.00	161.74	165.00	3.26	8.26
212 D. Patching	130.00	146.01	160.00	13.99	23.99
214 S. Risoff	121.00	135.43	156.00	20.57	34.57
215 N. Price	130.00	146.01	170.00	23.99	23.99
216 V. Schaeffer	169.00	189.82	203.00	13.18	18.18
217 D. Kline	140.00	157.25	160.00	2.75	12.75
218 A. Donovan	149.00	167.36	170.00	2.64	2.64
219 F. Rarig	185.00	207.79	203.00	(4.79)	5.21
220 L. McLennan	164.00	184.20	200.00	15.80	23.80
221 Dev. Warner	159.00	178.59	200.00	21.41	29.41
222 G. Gremillion	169.00	189.82	208.00	18.18	18.18
223 N. Millar	179.00	201.05	208.00	6.95	6.95
224 B. Berard	164.00	184.20	203.00	18.80	23.80
225 J. Armentraut	275.00	312.12	310.00	(2.12)	(2.12)
300 D. Ownes	174.00	195.44	210.00	14.56	19.56
301 W. Rohrman	164.00	184.20	203.00	18.80	23.80
302 N. Smith	174.00	195.44	203.00	7.56	12.56
303 I. Coolidge	144.00	161.74	170.00	8.26	8.26
304 L. Dwyer	174.00	195.44	208.00	12.56	12.56
305 V. Elliott	123.00	138.15	155.00	16.85	31.85
306 E. Van Sickler	164.00	184.20	200.00	15.80	23.80
307 L. Wallich	164.00	184.20	200.00	15.80	23.80
308 B. Von Brandt	164.00	184.20	200.00	15.80	23.80
309 R. Ayooob	195.00	219.02	205.00	(14.02)	(11.02)
310 R. Graham	226.00	253.84	280.00	26.16	26.16
311 R. Dougan	140.00	157.25	160.00	2.75	12.75
312 E. Clark	123.00	138.15	155.00	16.85	31.85
314 P. Langguth	140.00	157.25	170.00	12.75	12.75
315 D. Mechling	144.00	161.74	160.00	(1.74)	8.26
316 J. Thunder	174.00	195.44	208.00	12.56	12.56
317 F. Gregoric	123.00	138.15	160.00	21.85	31.85
318 E. Failor	164.00	184.20	203.00	18.80	23.80
319 D. Veraska	185.00	207.79	208.00	.21	.21
320 J. Nichols	174.00	195.44	203.00	12.56	12.56
321 R. Draina	164.00	184.20	203.00	18.80	23.80

Apartment Number & Name	February 1973 Rent	Controlled Rent Sept. 1, 1974	Actual Rent Aug. 1, 1974	Roll Back Amount*	Petitioned Adjustment From Rent Ceiling
322 J. Rayner	185.00	207.79	208.00	.21	.21
323 J. Crowley	164.00	184.20	203.00	18.80	23.80
324 F. Wineski	164.00	184.20	203.00	18.80	23.80
325 J. Lynch	220.00	242.35	280.00	37.65	37.65
400 I. Shapiro	179.00	201.05	208.00	6.95	13.95
401 P. Donovan	179.00	201.05	208.00	6.95	6.95
402 B. Stoneman	174.00	195.44	208.00	12.56	12.56
403 M. Kinahan	123.00	138.15	155.00	16.85	31.85
404 B. Duff	169.00	189.32	203.00	18.18	18.18
405 J. Bartley	123.00	138.15	155.00	16.85	31.35
406 J. Taurman	174.00	195.44	203.00	7.56	12.56
407 R. Steffens	164.00	184.20	200.00	15.80	23.80
408 R. Acker	164.00	184.20	208.00	23.80	23.80
409 R. Snowden	164.00	184.20	208.00	23.80	23.80
410 M. Michael	226.00	253.84	280.00	26.16	26.16
411 R. Walker	125.00	140.04	156.00	15.96	29.96
412 D. Zombro	123.00	138.15	155.00	16.85	31.85
414 G. Dakis	140.00	157.25	165.00	7.75	12.75
415 G. Meredith	140.00	157.25	170.00	12.75	12.75
416 H. Hulen	164.00	184.20	203.00	18.80	23.80
417 A. Page	123.00	138.15	155.00	16.85	31.85
418 I. Bradley	164.00	184.20	203.00	18.80	23.80
419 A. Lange	185.00	207.79	208.00	.21	.21
420 B. Spearman	164.00	184.20	200.00	15.80	23.80
421 M. Wright	174.00	195.44	208.00	12.56	12.56
422 J. Wilson	169.00	189.82	208.00	18.18	18.18
423 E. McCue	164.00	184.20	203.00	18.80	23.80
424 V. McKay	185.00	207.79	208.00	.21	.21
425 G. Flanigan	275.00	312.12	290.00	(22.12)	2.88
	<u>15,248.00</u>	<u>17,125.02</u>	<u>18,333.00</u>	<u>1,207.98</u>	<u>1,678.98</u>

*Note: Where this column shows a negative () figure, it represents the amount by which the rent could have been raised under the ceiling formula. Since these rents were not raised, the actual monthly loss caused by the rollback is \$1,268.59 not the \$1,207.98 column total.

Exhibit 3

THE WARWICK APARTMENTS

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 1974

MENEFEE, HOLTZ AND KLASSETT
CERTIFIED PUBLIC ACCOUNTANTS

THE WARWICK APARTMENTS

STATEMENT OF OPERATIONS

FOR THE YEAR ENDED JUNE 30, 1974

(NO DEPRECIATION IS REFLECTED ON THIS STATEMENT)

<u>GROSS RENT POTENTIAL</u>	\$207,581	
LESS, VACANCIES	<u>4,130</u>	
RENT INCOME (APARTMENTS)	\$203,451	
GARAGE RENT	1,983	
LAUNDRY AND MISCELLANEOUS INCOME	<u>1,258</u>	\$206,692
<u>EXPENSES:</u>		
ADVERTISING	\$ 265	
BUILDING AND JANITORIAL SUPPLIES	1,065	
EXTERMINATING	116	
INSURANCE	2,129	
LAUNDRY AND UNIFORMS	307	
LEGAL AND COLLECTIONS	4	
MANAGEMENT FEE	10,612	
OFFICE EXPENSE	1,325	
PAYROLL	24,697	
PAYROLL TAXES	2,788	
R & M BUILDING	3,256	
R & M ELECTRICAL	1,244	
R & M ELEVATORS	2,076	
R & M GROUNDS	1,301	
R & M FLOORS	147	
R & M KITCHEN EQUIPMENT	1,332	
R & M PAINTING AND DECORATING	6,559	
R & M PLUMBING AND HEATING	2,677	
R & M ROOF	1,001	
R & M GENERAL	2,180	
TAXES AND LICENSES	124	
TELEPHONE	2,029	
TRASH REMOVAL	3,067	
HEAT, LIGHT AND POWER	17,939	
WATER AND SEWER	3,090	
MISCELLANEOUS	1,781	
INTEREST	166,890	
REAL ESTATE TAXES	<u>22,832</u>	<u>292</u>
<u>NET LOSS FROM OPERATIONS (EXCLUSIVE OF DEPRECIATION)</u>		<u>\$(76,692)</u>

THE ACCOMPANYING NOTES ARE AN INTEGRAL PART OF THIS FINANCIAL STATEMENT.

MENEFEE, HOLTZ AND KLASSETT
CERTIFIED PUBLIC ACCOUNTANTS

THE WARWICK APARTMENTSNOTES TO STATEMENT OF OPERATIONSFOR THE YEAR ENDED JUNE 30, 1974

- NOTE 1. REFINANCING - FROM JULY 1, 1973 TO APRIL 22, 1974, THE FIRST MORTGAGE SECURED BY THE SUBJECT REAL ESTATE IN THE PRINCIPAL AMOUNT OF \$1,050,000 WAS HELD BY UNF CORPORATION OF NEW YORK CITY. INTEREST PAYABLE UNDER THIS MORTGAGE WAS COMPUTED BY ADDING 6 POINTS TO THE DAILY PRIME RATE OF THE FIRST NATIONAL CITY BANK OF NEW YORK. TOTAL INTEREST PAID TO UNF CORPORATION WAS, \$148,228. ON APRIL 22, 1974, THE OWNER SECURED A NEW FIRST MORTGAGE IN THE AMOUNT OF \$1,050,000 FROM THE JAMAICA SAVINGS BANK OF JAMAICA, NEW YORK, THE TERMS OF WHICH SET THE ANNUAL INTEREST RATE AT 9%. THUS, THE ANNUAL INTEREST COSTS FROM APRIL 22, 1974, ON WILL BE APPROXIMATELY \$94,500.
- NOTE 2. RENT CONTROL - ON AUGUST 2, 1974, THE DISTRICT OF COLUMBIA ENACTED RENT CONTROL LEGISLATION WHICH REQUIRES THAT RENT LEVELS BE REDUCED TO THE FEBRUARY 1, 1973, LEVEL AND BE INCREASED 4% FOR 1973 AND 8% FOR 1974. THIS WOULD RESULT IN AN ANNUAL DECREASE IN RENT INCOME OF \$17,093 FROM THE JUNE 30, 1974, LEVEL. IN LIGHT OF THE FACT THAT, EVEN WITH THE NEW FIRST MORTGAGE, OPERATING INCOME WAS LESS THAN OPERATING EXPENSES, EXECUTION OF THE ROLL BACK PROVISION OF THE LAW WILL RESULT IN SUBSTANTIAL INCREASED OPERATING LOSSES FOR THE PROPERTY.
- NOTE 3. VIOLATIONS - ON APRIL 11, 1974, THE HOUSING DIVISION OF THE BUREAU OF BUILDING, HOUSING AND ZONING OF THE DISTRICT OF COLUMBIA DIRECTED THE OWNER OF THE WARWICK TO CORRECT CERTAIN APPARENT VIOLATIONS OF THE HOUSING CODE. SINCE THE DIRECTIVE WAS ISSUED, CONTRACTORS HAVE BEEN AT WORK ON THE REPAIRS AND THE WORK IS SUBSTANTIALLY COMPLETE. UPON COMPLETION, THE BUILDING MUST BE REINSPECTED BEFORE A CERTIFICATE OF OCCUPANCY WILL BE ISSUED BY THE CITY. THE TOTAL COST OF THE REPAIRS IS ESTIMATED TO BE \$20,000, NONE OF WHICH IS REFLECTED ON THE ACCOMPANYING STATEMENT.

Median Rent
Selected Capitol East Census Tracts

Tract No.	1960 ¹		1970 ²	
	Gross Rent	Contract Rent	Gross Rent	Contract Rent
65	\$81	\$72	\$137	\$133
66	69	64	122	117
67	70	65	127	103
69	83	64	110	85
70	71	62	118	108
71	85	67	89	80
72	61	55	66	65
81	73	65	117	93
82	73	67	123	122
83.01	77	67	113	94
83.02	77	67	111	89

¹from 1960 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1&H-2.

²from 1970 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1&H-2.

* * * * *

Median Value Owner-Occupied Units
Selected Capitol East Census Tracts

Tract No.	1960 ¹		1970 ²	
	Value	Value	Value	Value
65	\$14,900		\$32,300	
66	17,900		35,900	
67	12,900		23,300	
69	11,700		17,000	
70	11,700		30,200	
71	11,500		14,600	
72	9,800		14,100	
81	12,900		17,800	
82	16,500		32,800	
83.01	12,100		16,300	
83.02	12,100		17,900	

¹from 1960 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1.

²from 1970 Census of Population and Housing, Washington, D.C. - Md. - Va. SMSA, Table H-1.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION

F St. between 4th & 5th Sts., N.W.—3rd Floor

Telephone: 727-1790

Witness should report to
Assignment Commissioner

Room 314
Third Floor
(Old Pension Building)

No. 6972-75

SUNDERLAND ASSOCIATES, et al.

Plaintiff

vs.

ALFRED COWLES, et al.

Defendant

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To Secretary, District of Columbia Council
District Building, Washington, D. C.

YOU ARE HEREBY COMMANDED to appear in (this Court) (the office of) _____
as witness for the plaintiffs _____ on the 27th day of August, 1975
at 9:00 o'clock A. M. (and bring with you) all records, transcripts of hearings and
documents relating to (1) Regulation 74-20,
(2) Resolution PR-1-36 (4/1/75), (3) Act-1-12, (4) Emergency Transitional Rent Control
Resolution 1-52, (5) Rent Stabilization Program Transition Act 1-35.

and not depart the Court without leave.

Witness the HONORABLE CHIEF JUDGE of said Court, this 22nd day

of August, 1975.

R. Niedermayr - #180380

1801 K Street, N. W., Suite 1100K

Washington, D. C. 20006

Tel: 833-3700

Attorney for (Plaintiff
(Defendant)

Let this writ issue.

JOSEPH M. BURTON

Clerk of the Court

Judge

LC-16

Council of the District of Columbia

Memorandum

City Hall, 14th and E Streets, N.W. 20004 Fifth Floor 638-2223 or Government Code 137-3806

To Robert A. Williams, Secretary

From Valerie J. Barry, Legislative Services

Date August 25, 1975

Subject Compilation of Official Council Records for August 27, 1975
Superior Court Appearance

As requested, attached is documentation of official records in the Legislative Services Unit pertaining to the following legislation:

- (1) Regulation 74-20 (Log 674)
- (2) Resolution 1-63 (PR 1-36)
- (3) Act 1-12 (Bill 1-59)
- (4) Resolution 1-104 (ER 1-52)
- (5) Act 1-35 (EA 1-9)

Such documentation includes:

- A. Contents of official file
- B. Hearing record
- C. Publication dates and page numbers
- D. Committee and Council Meeting dates

In addition to providing you with the official files on the above-listed legislation, copies of relevant D.C. Register editions, transcript records, tape recordings, meeting agendas, etc., are available if needed. It is suggested that a decision be reached regarding the necessity to prepare transcript records of three Legislative Meetings at which the subject legislation was considered by the Council.

Notations are made in the upper righthand corner of each document of whether the written record on file is in its original form or copy only.

A copy of the attachment has been given to Carrol Madison, HUD Committee Clerk, with a request to provide the LSU with additional documents to complete the official record, by tomorrow August 26th. Included in this request are copies of HUD Committee meeting minutes where above legislation was discussed.

cc: Member Nadine Winter, Edward Webb, Jr., Carrol Madison

Documentation of Official Council Records Pertaining
to Rent Control Emergency Legislation

(1) REGULATION 74-20

A. Contents of Log 674

1. April 16, 1974 Report on Reg. 74-8
2. April 23, 1974 Report on Reg. 74-8
3. April 26, 1974 Report on Reg. 74-9
4. July 18, 1974 Report on Reg. 74-20
5. July 26, 1974 Report on Reg. 74-20
6. October 17, 1974 Report on Reg. 74-20
7. December 3 and 11, 1974 Report on Reg. 74-29
8. Correspondence from Corporation Counsel
9. PL 93-157 authorizing rent stabilization
10. Correspondence from Martin Schaller re Regs. 74-8 and 74-9
11. Notices and publication requests
12. Draft legislation
13. News releases
14. Telegram urging rent stabilization in D.C.
15. Correspondence from Henry Nichols re Real Estate Investments
16. Correspondence from Mayor re Federal Rent Supplement Program
17. Correspondence re Evictions
18. Correspondence re Workshop on Rent Control and Usury
19. Correspondence from M. Kinahan

Regulations and Resolutions included in Log 674:

Reg. 74-8; Reg. 74-9; Reg. 74-13; Reg. 74-20, Reg. 74-29;
Reg. 74-48; Res. 74-39; Res. 74-58; Res. 74-63.

B. Hearings

1. January 17 and 18, 1974. (See Report of 3-5-74)
Tape and transcript record only; hearing file includes notice of hearing. However, this record, which was consistently used by Marianne Freeman and the Corporation Council, is not now in LSU files.
2. August 19, 1974. (Re Rent Commission Nominees)
Tape and hearing record only; no transcript.
3. September 5, 1974. (Re Rent Commission Nominees)
Tape and hearing record only; no transcript.

- 2 -

Regulation 74-20 (cont'd)

C. Publication

June 17, 1974, Page 1263
August 6, 1974, Page 1

D. Meetings

1. No record of HUD Committee meetings other than reports of Committee on legislation considered.
2. Special Legislative Meetings held July 18 and 26, 1974. No transcript, minutes and tape record only.

(2) RESOLUTION 1-63

A. Contents of PR 1-36

1. PR 1-36 as introduced
2. Committee Report of 4-18-75
3. Resolution 1-63 as adopted

B. Hearings

None

C. Publication

April 7, 1975, Pages 2503 and 2540
April 24, 1975, Page 2858

D. Meetings

1. No record of HUD Committee Meetings
2. April 22, 1975. Agenda and tape record only; no transcript.

(3) ACT 1-12

A. Contents of Bill 1-59 (EA 1-8)

1. Statement of Member Winter of 4-1-75
2. April 7, 1975 Memorandum of Member Winter to Council Members
3. Bill 1-59 as introduced 4-1-75
4. April 23, 1975 transmittal letter to Mayor from Chairman Tucker
5. Act 1-12 as adopted

B. Hearings

None

C. Publication

April 7, 1975, Pages 2503 and 2516
May 5, 1975, Page 3042

D. Meetings

1. No record of HUD Committee Meetings
2. April 8, 1975 and April 22, 1975. Agenda and tape record only; no transcript.

(4) RESOLUTION 1-104

A. Contents of ER 1-52

1. Emergency Resolution 1-52 as introduced
2. Resolution 1-104 as adopted

B. Hearings

None

C. Publication

August 6, 1975, Page 932

D. Meetings

1. No record of HUD Committee Meeting
2. July 22, 1975. Agenda and tape record only; no transcript.

- 4 -

(5) ACT 1-35

A. Contents of EA 1-9

1. Emergency Legislation EA 1-9 as introduced
2. Statement of Member Winter 7-22-75
3. Committee Print of Bill 1-157, revised 7-22-75
4. Enrolled copy of Act 1-35 as adopted
5. Record votes of Amendments by Members Clarke, D Moore & Winter
6. Record Vote of Motion to Adopt legislation
7. Typed Amendment to legislation (undated and unsigned)
8. 7-24-75 Transmittal Letter to Mayor from Chairman Tucker
9. Act 1-35 as adopted

B. Hearings

None

C. Publication

August 6, 1975, Page 841

D. Meetings

1. No record of HUD Committee Meeting
2. July 22, 1975. Agenda and tape record only; no transcript.

- 5 -

6) BILL 1-40 (Vetoed by Mayor)

A. Contents of Official File (Bill 1-40)

1. Mayor's Veto Message
2. Staff Comments re Rent Control to General Counsel
3. Executive Comments of 4-23-75, 5-15-75, 5-19-75, 6-2-75
4. Report of Samuel Jackson commenting on legislation
5. May 19, 1975 Committee Report
6. Listing of Markup Sessions

B. Hearings

See January 22, 1975 and April 4, 1975 Transcripts of Hearings

C. Publication

March 13, 1975

D. Meetings

See #6 of File Contents and Tape Record of Meetings

7) Bill 1-157 (Act 1-46)

A. Contents of File (Bill 1-157)

1. July 31, 1975 Report (original and duplicate)
2. Act 1-46 (copy)
3. August 15, 1975 Letter from Mayor
4. Listing of Markup Sessions and Meetings with Executive

B. Hearings

See January 22, 1975 and April 9, 1975 transcripts of hearings

C. Publication

July 14, 1975, pages 217-281

D. Meetings

July 15, 1975 and July 29, 1975. See Listing of Markup Sessions and Tape Record List

TAPE RECORD OF COUNCIL MEETINGS (w/no transcript)

<u>DATE</u>	<u>REFERENCE</u>	<u>#TAPES & MEETING I. D.</u>
April 8, 1975	Bill 1-59 (EA 1-8), first reading	2 tapes -- 14th Legislative Meeting
April 22, 1975	Resolution 1-63, adoption Bill 1-59, second reading	1 tape -- 16th Legislative Meeting
May 20, 1975	Bill 1-40, first reading	3 tapes -- 20th Legislative Meeting
June 3, 1975	Bill 1-40, withdrawing from agenda	2 tapes -- 22nd Legislative Meeting
June 10, 1975	Bill 1-40, second reading	4 tapes -- 23rd Legislative Meeting
July 11, 1975	Bill 1-40, tabling consideration of Mayor's Veto Bill 1-157, introduction	1 tape -- Additional Meeting
July 15, 1975	Bill 1-157, first reading	2 tapes -- 28th Legislative Meeting
July 22, 1975	ER 1-52 (Res 1-104) EA 1-9 (Act 1-35)	2 tapes -- 29th Legislative Meeting
July 29, 1975	Bill 1-157, second reading	1 tape -- 30th Legislative Meeting

OFFICIAL MEETINGS ON THE DEVELOPMENT OF RENT CONTROL LEGISLATION

1975

- I. Housing and Urban Development Committee Mark-up Sessions on Bill 1-40:
- March 21, 1975
 - April 15, 1975 - Roundtable Discussion
 - May 2, 1975
 - May 15, 1975
 - May 20, 1975
- II. Housing and Urban Development Committee Mark-up Sessions on Bill 1-157:
- July 8, 1975
 - July 10, 1975
 - July 14, 1975
 - July 15, 1975
- III. Meetings between the Mayor/other Executive Branch Officials and Housing and Urban Development Committee Members and Chairman of the Council, regarding areas of disagreement stated in Mayor's veto letter of June 27, 1975 and recommendations for changes in new legislation on rent control:
- July 1, 1975
 - July 2, 1975
 - July 3, 1975
- v

DESCRIPTION OF CONTENTS

Box No. 1

- 1) Log File 674 -- 2 folders (original and duplicate)
- 2) Documents on Statistics, Background Research and Panel Discussions re Rent Control (1974) -- 3 folders
- 3) Hearing Records
 - a. January 17 and 18, 1974 Hearing File -- 6 folders
 - b. Transcript of Jan. 17 & 18, 1974 Hearing -- 2 documents
 - c. Documents re Rent Control Hearings and Advisory Panel Discussions -- 4 folders
 - d. August 19 and September 5, 1974 Hearings re Rent Commission Nominees -- 2 folders
- 4) Meeting Records
 - a. Transcripts of July 18 and 28, 1974 Meeting establishing Regulation 74-20 -- 2 documents

SUBMITTED BY: Valerie J. Barry (629-3806)
 Legislative Services
 District of Columbia Council
 Room 219, District Building
 Washington, D.C. 20004

(Date, Signature) _____

RECEIVED: _____

DESCRIPTION OF CONTENTS

Box No. 2

1) Log Files

- a. PR 1-36 -- 2 folders (original and duplicate)
- b. Bill 1-59 (EA 1-8) -- 2 folders (original and duplicate)
- c. ER 1-52 -- 2 folders (original and duplicate)
- d. EA 1-9 (Act 1-35) -- 2 folders (original and duplicate)
- e. Bill 1-40 -- 1 folder
- f. Bill 1-157 -- 1 folder

2) Hearing Records

- a. January 22, 1975 Hearing File -- 1 folder
- b. Transcripts of 1-22-75 Hearing -- 3 documents (original only)
- c. Statement of Housing Rent Commission at 1-22-75 Hearing -- 1 document (original only)
- d. April 9, 1975 Hearing File -- 1 folder
- e. Transcripts of 4-9-75 Hearing -- 3 documents (duplicate)

3) Committee Records

- a. Constituent Correspondence and Petitions re Rent Control -- 4 folders (original only)

SUBMITTED BY: Valerie J. Barry (629-3806)
Legislative Services
District of Columbia Council
Room 219, District Building
Washington, D.C. 20004

(Date, Signature) _____

RECEIVED: _____

C & T Parking Company
1008 N. Randolph St.
Suite 101
Arlington, Virginia 22201

August 6, 1974

TO: D. C. Rent Control Commission

RE: Hardship Petition
1100 F Street, N. E.

Dear Sirs:

In accordance with the D. C. rent control law, we, the owners of 1100 F Street, N. E., hereby request a rent increase on the average of 42 per cent per apartment at 1100 F Street, N. E. Washington, D. C. Enclosed are the following exhibits:

The base rents, the allowable increases, the projected increases, the actual October 1973 to June 1974 expenses, the projected 1974-1975 expenses and the projected profit and loss statement.

Also enclosed is a copy of the settlement sheet and those documents we have supporting our expenses. All information contained herein is certified to be accurate to the best of our knowledge. Please note that the property was purchased September 7, 1973 with a total cash investment of \$19,155.76. Therefore, the only expense records available are October 1973 to June 1974.

Your prompt action on this matter will be appreciated. Please address all correspondence to the above address:

Yours truly,

Paul S. Covey
Partner, C & T Parking Co.

PSC/kjw

RENT SCHEDULES

1100 F Street, N. E.

<u>APT.#</u>	<u>BASE RENT</u>	<u>ALLOWABLE RENT</u>	<u>CURRENT RENT</u>	<u>PROPOSED RENT</u>
2	\$97.00	\$108.64	\$125.00	\$145.00
3	84.00	94.00	90.00	120.00
101	94.50	105.84	110.00	133.00
102	94.50	105.84	110.00	133.00
103	79.00	88.48	90.00	120.00
104	79.00	88.48	95.00	120.00
105	80.00	89.00	110.00	133.00
106	97.00	108.64	110.00	133.00
107	97.00	108.64	110.00	133.00
201	97.00	108.64	110.00	133.00
202	97.00	108.64	110.00	133.00
203	77.00	82.64	90.00	120.00
204	79.00	88.48	90.00	120.00
205	97.00	108.64	110.00	133.00
206	97.00	108.64	110.00	133.00
207	97.00	108.64	110.00	133.00
301	97.00	108.64	110.00	133.00
302	97.00	108.64	110.00	133.00
303	79.00	88.48	90.00	120.00
304	81.50	91.28	90.00	120.00
305	97.00	108.64	110.00	133.00
306	97.00	108.64	125.00	133.00
307	97.00	108.64	110.00	133.00
	<u>\$2,088.50</u>	<u>\$2,339.04</u>	<u>\$2,425.00</u>	<u>\$2,967.00</u>

1110 F Street, N. E.

ACTUAL EXPENSES
OCTOBER 1973 TO JUNE 1974

Gross Potential Rent	\$21,130.48
Current receivables	(599.75)
Vacancy and credit loss	(688.52)
Effective Gross Return	19,842.00
Expenses	
Gas	(515.55)
Electric	(706.35)
Water	(417.41)
Sewer	(409.06)
Telephone	(108.00)
Oil	(4,063.29)
Labor	(829.40)
Management Fee	(1,038.40)
Trash	(813.00)
Extermination	(295.00)
Supplies	(1,470.20)
Maintenance & Repairs	(3,827.70)
Miscellaneous	(295.75)
Insurance & Taxes	(2,753.24)
Total Expenses	<u>\$22,141.62</u>

1111 F. Street, N. W.

PROJECTED 1974-75 EXPENSES

Insurance	\$ 730.00
Taxes	2,880.00
Trash	1,020.00
Water	952.00
Exterminator	300.00
Oil (Approx. 14,000 gallons @ 34¢/gallon)	4,760.00
Maintenance & Repairs	5,000.00
Gas	600.00
Electric	1,000.00
Telephone	144.00
Supplies	1,470.00
Miscellaneous	200.00
Debt Service	10,800.00
Total Expenses	<u>\$30,889.00</u>

110 F Street, N. E.

PROFIT & LOSS STATEMENTS

ALL FIGURES ANNUALIZED

Profit & Loss with allowable 12% increase.

Gross Rent	\$28,068.48
5% vacancy and Credit loss	1,403.42
5% management fee	<u>1,403.42</u>
Net rent	25,261.64
Total Cash Expenses	<u>30,889.00</u>
Total out of pocket loss	\$ 5,627.36

PROFIT & LOSS WITH PROPOSED RENT INCREASE

Gross Rent	\$35,604.00
Vacancy and Bad Debt	1,380.00
Management fee	<u>1,380.00</u>
Net rent	32,844.00
Total cash expenses	<u>30,889.00</u>
Total Cash Profit	\$ 1,955.00

Cash profit as a percent of \$19,155.00
cash investment

10%

C & T Parking Company
1008 North Randolph St.
Suite 101
Arlington, Va. 22201

August 6, 1974

TO: D. C. Rent Control Commission

RE: Hardship Petition
1918 18th Street, N. W.

Dear Sirs:

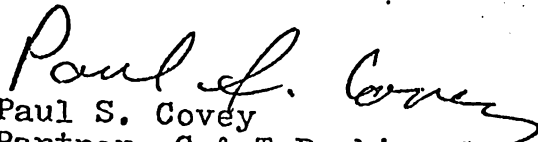
In accordance with the D. C. rent control law, we, the owners of 1918 18th Street, N. W., hereby request a rent increase on the average of 44 per cent per apartment at the Kirkman Apartments, 1918 18th Street, N. W., Washington, D. C. Enclosed are the following exhibits:

The base rents, the allowable increases, the projected increases, the actual 1972 expenses, the projected 1974-1975 expenses and the projected profit and loss statement.

Also enclosed is a copy of the settlement sheet and those documents we have supporting our expenses. All information contained herein is certified to be accurate to the best of our knowledge. Please note that the property was purchased May 31, 1974 with a total cash investment of \$12,603.71. This property was purchased from an estate and the only expense records available were from 1972.

Your prompt action on this matter will be appreciated. Please address all correspondence to the above address.

Yours truly,


Paul S. Covey
Partner, C & T Parking Co.

PSC/kjw

RENT SCHEDULES

1918 18th Street, N. W.

<u>UNIT</u>	<u>BASE RENT AS OF 2/73</u>	<u>ALLOWABLE RENT INCRE.</u>	<u>PROPOSED RENT. INCRE.</u>
1	\$107.50	\$120.40	\$147.00
2	77.50	86.80	112.00
3	97.50	109.20	147.00
4	-0-	-0-	-0-
5	77.50	86.80	112.00
6	97.50	109.20	147.00
20	107.50	120.40	147.00
21	77.50	86.80	112.00
22	97.50	109.20	147.00
23	107.50	120.40	147.00
24	77.50	86.80	112.00
25	98.50	110.32	147.00
30	107.50	120.40	147.00
31	77.50	86.80	112.00
32	97.50	109.20	147.00
33	107.50	120.40	147.00
34	77.50	86.80	112.00
35	98.50	110.32	147.00
40	107.50	120.40	147.00
41	77.50	86.80	112.00
42	97.50	109.20	147.00
43	107.50	120.40	147.00
44	77.50	86.80	112.00
45	98.50	110.32	147.00
TOTAL	\$2,155.50	\$2,414.16	\$3,101.00

Eight (8) Efficiencies
Fifteen (15) 1 Bedrooms

22966.92
3263.67

1972 EXPENSES

KIRKMAN APARTMENTS
1918 18th Street, N. W.

Janitor	\$ 645.00
Repair	6,792.00
Lights	443.12
Heat	3,670.00
Trash	580.00
Court Cost	62.50
Legal Fee	15.00
Exterminator	132.00
Water Bill	700.95
Advertising	58.39
Insurance	457.00
Real Estate Tax	2,801.35
Apartment Licenses	29.00
Management	<u>1,400.00</u>
Total Expenses	\$17,725.00
other than debt service	

These figures are from the books of the Floyd E. Davis Company
 1629 K Street, N. W.
 Washington, D. C.

agents for Henry P. and Mildred Staley.

PROJECTED EXPENSES

1974-1975 KIRKMAN APARTMENTS

1918 18th Street, N. W.

Janitor	\$1,080.00
Repairs & Supplies	7,000.00
Electric	600.00
Oil (approx. 19,000 gallons @ 34¢/gallon)	6,460.00
Trash	540.00
Exterminator	300.00
Water & Sewer	700.00
Insurance	732.00
Real Estate Tax	2,801.23
Licenses	29.00
Miscellaneous	366.00
Debt Service	<u>11,625.36</u>
	\$32,233.59

PROFIT & LOSS STATEMENTS
ALL FIGURES ANNUALIZED

Profit & Loss with a 12% rent increase.

Allowable Gross Rents	\$28,969.92
5% vacancy & bad debt factor	1,488.50
5% management fee	<u>1,488.50</u>
Net rent	25,992.92
all cash expenses	<u>32,233.59</u>
Total out of pocket loss	\$ 6,240.67

PROFIT & LOSS WITH PROPOSED RENT INCREASE

Gross rent	\$37,212.00
5% vacancy & bad debt factor	1,860.72
5% management fee	<u>1,860.72</u>
Net Rent	\$33,493.08
All cash expenses	32,233.59
Total Cash profit	1,260.30
Cash profit as a percent of total cash invested	10%

August 1, 1974

Mr. Egon R. Tausch
Still Waters Ranch
Route 1, Box 74
Wetmore, Texas 78163

Dear Mr. Tausch:

In response to your letter of July 22, 1974, enclosed is a copy of the Rent Control Regulation enacted by the D.C. City Council on July 26, and the accompanying Reports explaining the Regulation. The Mayor is expected to sign the Regulation no later than August 1.

You will note that the Regulation provides for a "base rent" date of February 1, 1973 on which current allowable rent ceilings are based. Specifically, a landlord, in computing his rent ceiling would do the following: (1) Establish rent charged on February 1, 1973; (2) Increase the base rent by 4%, to allow for increased costs in 1973; (3) Increase the figure resulting from above computation by 8% to allow for 1974.

If you have not raised rents since 1960, it would appear that you may be entitled to increase rents in accordance with the above formula pursuant to the necessary 30 day notice.

The administration of the Rent Control Regulation will be the responsibility of the Rent Control Commission, to be appointed by the Mayor. If you have any further questions, I suggest you address them to Office of the Mayor-Commissioner, District of Columbia Government for response by the appropriate agency.

Sincerely yours,

MARIANNE FREEMAN

Enclosure

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W.

Room 507

638-2223 or Government Code 137-3806

To Council Members

From Sterling Tucker, Chairman, Housing and Urban Development
Committee

Date Rent Control Regulation

Subject July 26, 1974

Mr. Chairman and Members of the Council, I am pleased to present for second reading the Rent Control Regulation for the District of Columbia.

The regulation being submitted to you today is identical to the regulation enacted on first reading by the Council on July 18, 1974. There have been no changes or additions in content or wording. The three amendments adopted and incorporated in the July 18 Council session have been included as follows:

- (1) The following has been added to the end of section 9(c)(5):

"When an accommodation is planned to be substantially rehabilitated or in the process of being substantially rehabilitated on the effective date of this regulation, the estimated market price of such unit, prior to rehabilitation, the method of computing the estimated market price, a description of the proposed rehabilitation, and the itemized estimated costs of such rehabilitation."

- (2) The following has been added to the end of Section 12(b):

"The 120-day written notice shall include the information required under Section 9(c)(5), and information indicating tenant may obtain a copy of the registration form at the office of the Commission, and its address."

The intent of the above amendments is to assure that, in event an accommodation is to be substantially rehabilitated, both the existing tenant and the Commission are furnished with adequate information to substantiate that the contemplated renovation is in compliance with the provisions of this regulation relating to substantial rehabilitation.

(3) The following has been added to the end of Section 7(a):

"The Commission shall act by approving or denying each petition filed with it not later than 60 days after the filing of the petition unless extended by written consent of the parties."

This amendment expresses the intent of the Council that the Commission shall act promptly and speedily in considering and ruling on hardship petitions brought before it by either landlords or tenants.

Since enactment of the Regulation on first reading and submission of the July 18 Legislative Report, a number of issues have been raised which require further clarification. It should be emphasized, for example, that the Committee and its staff, in arriving at the rent increase formula provided in this regulation (4% for 1973, and 8% for 1974, with February 1, 1973 as the base rent date) gave ample and repeated consideration to the impact of the June and July rent freeze upon landlords and to any losses they may have suffered by inability to increase rents during those months. It was the determination of the Committee, after considering this issue, that the formula provided, and its method of application, make ample allowance for inability to raise rents in June and July, 1974.

Evidence presented to the Committee indicated that during 1973 and the first five months of 1974 many landlords were applying indiscriminate and unwarranted rent increases which, in the opinion of the Committee, allowed for future as well as current increased costs to the landlords.* This evidence, in fact, was a major factor in the enactment of the freeze as a necessary "stop-gap" measure while the Council prepared a comprehensive regulation. The Committee further finds that the allowable rent increases over the base date (4% for 1973 and 8% for 1974) make ample allowance for inability to raise rents in June and

* In 1973, the average increases for all rental units was 6%; the average increase for all rental units which received an increase was 9%; 20% of all units received increases of 10% or more (Office of Planning and Management Study).

July. As pointed out in the July 18 Report, only approximately one-half of gross rental revenues are applied to non-fixed costs subject to inflation. According to the U.S. Department of Labor, inflation in 1973 was 8.8% and is projected at approximately 11% for 1974, a total of approximately 20% for the two years. Tenants argue that, on this basis, rent increases should be held at 10% for 1973 and 1974 (and no more than 5% for 1974 alone). Nevertheless, the regulation provides for a 12 - 13% increase in rents for these two years--8% for 1974 alone. It is the determination of the Committee that this 12 - 13% allowable increase makes ample allowance for landlord costs which rose above the general inflationary spiral (fuel and utilities in late 1973 and early 1974) and for recoupment of losses which may have resulted for some landlords because of inability to raise rents during the months of June and July.

In response to continuing discussions with both landlord and tenant representatives since first reading, the Committee wishes to clarify its intent with regard to the following:

(1) Notification of the Commission and its functions to tenants

It is the intent of the Committee that the Commission adopt rules and procedures and take necessary actions to assure wide dissemination of information to tenants regarding the existence and use of the Commission. For example, nothing in the regulation would preclude the Commission from requiring that all rent increase notices be accompanied by a statement explaining where and how a tenant can file a petition or complaint with the Commission. The Commission is strongly urged to provide for such a procedure.

(2) Information to tenants about contemplated capital improvements requiring eviction

It is the intent of the Commission that tenants and the Commission shall be fully informed in advance of the nature and justification for capital improvements which may be just cause for eviction as provided in Section 10(b)(5) of this regulation. As one measure in this direction, the

Commission is urged to require registration of such information under its discretionary authority over contents of the registration form (Section 9(c)).

- (3) Repossession for the immediate purpose of discontinuing housing use of the premises (Section 10(b)(6))

The original concern of the Committee in including this cause for eviction was to allow for the conversion of single family and row houses to business and other non-residential purposes. It should be emphasized, however, that the intent of this just cause for eviction is to provide for the conversion of any housing accommodation (whether single or multi-unit) for purposes such as non-residential business use, hotels, nursing homes, personal care homes, or school dormitories.

- (4) Protections relating to condominium conversion (Section 12(a))

As indicated in the July 18 Report, the intention of this provision is to assure existing tenants in accommodations to be converted into condominiums six months notice prior to actual conversion, and the right to first refusal with regard to purchase of the accommodation. In the event that such tenant, having received 180-day notice, voluntarily vacates the unit prior to expiration of this 180-day period, or prior to actual conversion, the owner of such unit may rerent the accommodation on an interim basis to another tenant, provided such tenant is fully informed of the impending conversion and of the temporary nature of his occupancy as a tenant. Nothing stated herein, however, is intended to amend or affect in any way the provisions of Section 12(a), as stated therein, relating to the original tenant's right to receive a bona fide offer of sale or to his right to 60 days in which to consider such offer prior to receiving eviction notice.

- (5) Withholding of Rent (Section 13(f))

It is not in any sense the intention of the Committee, in including this provision, to prevent the withholding of rent by tenants as such withholding has been approved and upheld by the courts in Bell v. Tsintolas, Javins v. First National Realty and Brown v. Southall Realty. The legality of such withholding of rents has been upheld in these decisions and is not intended to be altered as a result of this provision. It is the intent of this provision that such escrow deposit requirement shall be prospective from the first hearing by the Court or Commission on the relevant

case or petition. As stated above, it is not the intent of this provision to abrogate existing case law as set forth in the decisions named above.

(6) Rounding of Rents

It is the determination of the Committee that the "rounding" of rent ceilings to the nearest dollar is in no way contrary to the intent of this regulation and will simplify its administration for both landlords and tenants. Such "rounding" to the nearest dollar is therefore encouraged, so long as the rent does not exceed the allowable rent ceiling by more than \$.49.

Correction of July 18 Legislative Report

It should be noted that the first paragraph of page 7 of the July 18 Report contained some errors of reference. This paragraph should read as follows and is intended to be superseded by the following:

Public Law 93-157 authorizes the Council "to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia", provided that such rules "shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive." The Senate District Committee Report (Senate Report 93-384) accompanying passage of the Act elaborates on these "discretionary powers" given the Council "to determine levels for setting maximum rent regulations" as follows: "The Committee is of the view that latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost justification formula, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level." A similar statement was incorporated in the House D.C. Committee Report (House Report 93-259). It was clearly the intent of both the Committees to let the Council determine the best method or formula for rent stabilization

* Emphasis added.

provided such method or formula makes allowance for consideration in the rent ceiling of the increased costs incurred by the landlord.

The "Base Rent" date and formula

The choice of February 1, 1973 as the "base rent" date and the provision of rent ceilings computed from this base rent date were predicated on the following:

- (1) The end of federal Phase II rent controls on January 11, 1973. Accordingly, January or February 1973 have commonly been chosen or adopted as base rent dates in rent control ordinances throughout the country, including the original "freezes" (now superseded by permanent laws) in Montgomery and Prince George's County.
- (2) The evidence (see July 18 Report) of unwarranted and indiscriminate rent increases by a significant percentage (20%) of D. C. landlords during 1973, frequently immediately after the lifting of Phase II controls;
- (3) Widespread support for a January or February 1973 base rent date at the Public Hearing and recommendation "by a consensus vote" of the Advisory Panel Drafting Committee that February 1, 1973 be the "rollback date". (Minutes of the February 20 Drafting Panel Session)

Mr. Chairman and Members of the Council, I move adoption on second reading of the Rent Control Regulation.

District of Columbia City Council Report

City Hall, 14th and E Streets, N.W. Room 507 638-2223 or Government Code 137-3806

To MEMBERS OF THE COUNCIL
From STERLING TUCKER, Chairman, Housing and Urban Development Committee
Date July 18, 1974
Subject Rent Control Regulation for the District of Columbia

On behalf of the Council's Housing and Urban Development Committee, I am pleased to present for first reading a Comprehensive Rent Control Regulation for the District of Columbia. The proposed regulation before you today is the product of many months of work, numerous sessions with the Council's Advisory Committee on Rent Control, ongoing discussion with representatives of landlords and tenants, and the most painstaking consideration of the many complicated issues involved.

This regulation is designed to fulfill the following goals:

- (1) Protect tenants from undue hardships - indiscriminate rent increases, unwarranted eviction and retaliatory action - resulting from the shortage of housing in the District and the increased costs of such housing.
- (2) Protect the right of landlords to a fair return on their investment in rental housing in the District of Columbia.
- (3) Assure that the escalating costs of rental housing attributable to the shortage of such housing and the impact of inflation are borne by both landlords and tenants and that neither suffer inequitable hardship or loss as a result.
- (4) Maintain, improve and increase the housing stock of the District of Columbia through compliance with the housing regulations and incentives to rehabilitation and new construction of housing.

I. Background

On November 23, 1973, the President signed into law P. L. 93-157 a bill introduced in Congress by Congressman Walter E. Fauntroy, which gave the District of Columbia government the authority to enact legislation to regulate and stabilize rents as it may determine the need therefor.

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Pursuant to such legislative authority the Council was transferred authority to enact rent controls which would take into account increased operating costs; require that public hearings be held six months after enactment of any price controls to evaluate their effectiveness, establish a temporary Rent Commission which could adopt rules of administration of rent controls, consider increases and decreases in rents and hardships imposed on both landlords and tenants.

Additionally, the Act provides that the Commission would also consider increases or decreases of services; tenant obligations, acts of harassment and retaliatory action against tenants. It further, provided that willful violations of the provisions of the enabling Act or Council-adopted rules or rules of the Rent Commission would carry fines up to \$5,000 for each violation.

The Congressional Act and those rules enacted by the City Council will expire one year from the initial Council action on rent controls (May 31, 1975).

Pursuant to P. L. 93-157, public hearings were held on January 17 and 18, 1974, on the rent control issue. Fifty-four (54) witnesses testifying for approximately 25 hours, appeared before the Housing and Urban Development Committee. While there was testimony on all aspects of the question, the overwhelming majority of those presenting testimony favored some form of rent control legislation. A summary report of the pertinent testimony was adopted by the Council on February 27, 1974. The full testimony of the hearing is recorded in the transcript now held in the Secretary's office.

The HUD Committee, with Council approval, assembled an Advisory Panel composed of twenty-six (26) persons equally representative of landlord and tenant interests to assist in defining and determining the parameters of the hearings, sorting of the issues and suggesting persons who might testify on various aspects which the Council Committee would want to consider. The Advisory Committee members sat through the hearings and assisted in the review and analysis of the hearing results.

At the request of the Committee, the Statistical Systems Group of the Office of Program Management conducted a random digital survey of 566 persons across the city which among other findings concluded that:

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-- approximately 70% of the apartments in the District received rent increases during the period January 1973 and January 1974 at an average of six percent.

-- 20% of all units surveyed received an increase greater than 10% also suggested was a pattern of higher percentage increases for inner city units and low income units in general. In Service Areas 1, 2, 5, 6, 7, and 9, the central city area, 37% of the units experienced increases greater than 10%, while Anacostia, service area 8 was 26% and the far northeast 20% increases.

Another survey, conducted by the D. C. Public Interest Research Group (D. C. PIRG) substantiated many of the figures of the D. C. Government survey, and also revealed statistics which point to the critical nature of rents in the District. Using a wider scope of questioning and also door to door sampling in specified areas of the city, the PIRG survey showed that the overall vacancy rate for the District to be 2.7%. The vacancy rate of less than 5% overall, has been considered by the U. S. Department of Housing and Urban Development as being a state of emergency.

The actual supply of housing was compared to the demand. Although the overall population of the District has been declining slightly, the number of separate households has risen 16.1% since 1950, according to the Census Bureau. The PIRG survey shows that new construction has barely outdistanced demolition in the District. In 1973, for instance, the city registered a gain of greater than 1,000 units, and that was predominantly luxury apartments or condominiums in far Northwest. Demolition, however, has occurred primarily in the urban renewal areas of the inner city, and has thus eroded most severely the supply of low to moderate income housing. Low and moderate income housing has actually declined numerically in the past few years, due to demolition and to rent increases which have pushed this otherwise low to moderate income housing into the middle to high income category.

The public hearings produced much testimony to substantiate the results of the two surveys. Although statistics can tell us that the housing crisis is substantially severe for those on low and fixed incomes, they cannot portray the hardship or measure the human anguish which results from uncontrolled rents and the housing shortage.

Based on the hearing, the Panel and your Committee reached findings as follows:

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- (1) Housing in the District is in short supply; a major factor underlying the rental question and other problems;
- (2) Rent control, while necessary, will not solve this fundamental question;
- (3) More diligent enforcement of the City's Housing Code with emphasis on tenant as well as landlord responsibility will contribute to better landlord-tenant repairs and the tenant, in rent.
- (4) Any rent control law, if equitable, must allow for legitimate increase in operating costs and a reasonable return on investment;
- (5) Most landlords and tenants are responsible and reasonable and do not gouge, cheat or otherwise "rip off" each other;
- (6) Any rent control regulation should carefully consider market conditions and other relevant economic factors operative throughout the greater Washington area;
- (7) The determination as to whether and what kind of law we have should be made expeditiously so as to relieve the anxieties and extinguish the uncertainties now surrounding this question;
- (8) Any rent control regulation should include a date which fixes the basic rent levels from which determinations are made as to reasonable increased costs; and
- (9) While some federally subsidized housing should be exempted from local rent control measures, the entire question should be reviewed in relation to the overall problem before exemptions are granted.

On February 27, 1974, pursuant to P. L. 93-157, and in consideration of the above factors, the hearing record and Advisory Panel concurrence, the Council approved unanimously, the Committee's findings of a need for rent control and authorized the drafting of such legislation for consideration by the Council at an early date.

On April 23, 1974, upon finding that further unreasonable increases in rents were being imposed by landlords, the Council determined that an emergency existed in the District of Columbia and adopted Resolution 74-8 a "stop gap" measure which prohibited increases in rents during the months of June and July 1974, thus "freezing" rents at the level of May 1, 1974. This moratorium on rent increases was

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to permit the enactment of a comprehensive rent control regulation by the expiration of the moratorium which is July 31, 1974.

On the challenge of the legality of Regulation 74-8, the Superior Court of the District of Columbia held that . . . "The Court concludes and so finds that the Committee could reasonably have found that an emergency existed in the housing industry in the District of Columbia on the basis of testimony at the public hearing".

Major Provisions

Coverage

This regulation applies to all rental housing in the District of Columbia with the exception of:

(1) Hotels and other accommodations primarily serving transients; boarding houses and rooming houses; school dormitories; nursing homes, convalescent homes and personal care homes.

(2) All publicly owned housing, whether owned by HUD or the National Capital Housing Authority, and all housing in which either the mortgages, the rents, or both are Federally subsidized. This means in effect that Section 236, 221(d) (3) and 202 (elderly) housing, which is largely owned by charitable or nonprofit making enterprises, is exempt from rent control. Housing in which mortgages are insured or guaranteed by HUD (such as much of the new housing in the Southwest) are covered by the regulation. You may recall that testimony at the hearings documented exorbitant rent increases in the latter class of Federally assisted housing.

(3) All new construction completed after February 1, 1973, during the first year or the first tenancy (whichever period is shorter) following completion of such construction.

Included in these coverages are single family rental homes and apartments not otherwise exempted above regardless of the number of units involved or whether such accommodation is owner-occupied or not.

Rent Stabilization

For most types of housing, two methods are provided in the regulation to control rent levels while allowing for increased costs

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incurred by the landlord in 1973 and 1974.

(1) The rent increase formula. The regulation establishes a "base rent" which is equivalent to the rent charged on February 1, 1973. The allowable "rent ceiling" for each accommodation is established by two steps: (a) Increasing the base rent by 4% to allow for increased costs incurred by the landlord in 1973; (b) Increasing the figure computed in Step (a) by 8% to allow for increased costs incurred by the landlord in 1974.

(2) The Hardship Provision. In addition to the automatic increase allowed in the formula, a landlord or tenant may petition the Commission (or the Commission may act upon its own initiative) to increase or decrease the rent ceiling. This procedure provides for the tenant and the landlord an additional vehicle for upward or downward adjustment of the rent, including allowance for increased costs incurred by the landlord. In addition, a landlord who plans a capital improvement or increase in services may petition for an advance ruling to approve a projected rent increase upon implementation of his plans.

Additionally, the following provisions are included to stabilize rents and provide for increased costs incurred by the landlord:

(1) A provision which allows the landlord to raise the rent automatically by 4% over the rent ceiling to cover costs of capital improvements already completed or begun at time of passage of this regulation.

(2) A provision for equalization of rents of identical units to be applied as such units become vacant.

(3) A rent ceiling on substantially rehabilitated housing which allows the landlord to increase the rent after rehabilitation by increasing the former rent ceiling by 125%.

(4) A rent ceiling on newly constructed housing (after an initial period of exemption) which is equal to the rent charged for the first tenant of such housing.

Public Law 93-157 authorizes the Council "to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia", provided that such rules "shall provide means whereby increased costs incurred by such landlord and directly related to such residence shall be taken into consideration in determining the amount of such rents or benefits which such landlord is entitled to receive". The House District Committee Report (House Report 93-259) accompanying passage of the Act elaborates on these "discretionary powers" given the Council "to determine levels for setting maximum rent regulations" as follows: "The Committee is of the view that latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost justification formula, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level." * The exact statement is repeated in the Senate D. C. Committee Report (Senate Report 93-84). It was clearly the intent of both the Committees to let the Council determine the best method or formula for rent stabilization, provided such method or formula makes allowance for consideration in the rent ceiling of the increased costs incurred by the landlord.

It is the determination of the Committee that the fixed percentage method, coupled with the hardship mechanism and the other provisions described above, is the optimum vehicle available to the Council to regulate rents and allow for increased costs incurred by the landlord. The automatic percentage formula, coupled with the hardship provision, is in the opinion of the Committee, the most equitable and administratively feasible method to regulate rents and allow for increased costs in view of the short life span of this regulation (ten months) and the limited resources authorized for the Rent Control Commission.

It is the further determination of the Committee, based on the Record, the deliberations of the drafting Panel, and the data collected by the Committee, that the rent control formula provided in this regulation, coupled with the hardship provision, fully complies with the provisions of the Act and the intent of Congress and makes adequate and reasonable provision for the stabilization of rents while allowing for inclusion in rents of the increased costs incurred by the landlord.

* Emphasis added.

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The following factors were considered in arriving at the rent increase methodology and formula and in the determination of its reasonableness:

(1) The "base rent" date of February 1, 1973. Rollback of rents to January or February 1973 has been common in many rent control jurisdictions (including Montgomery and Prince George's County) because of the end of Phase II federal rent controls on January 11, 1974. Accordingly, the Drafting Panel of the Rent Control Advisory Committee recommended "by a consensus vote the date of February 1, 1973" as the base rent date.*

(2) The separate recommendations of tenant and landlord representatives. The tenant representatives of the Drafting Panel recommended a 3.42% increase for 1973 and a 4.20% increase for 1974, or a total of approximately 8% for landlords supplying all utilities. In addition they proposed a maximum 4% automatic increase for capital improvements. The tenants arrived at the 8% formula through a step-by-step computation which applied the U.S. Labor Department Consumer Price Index (CPI) for 1973 and 1974 for that portion of gross rent (45 to 50%) which represents costs subject to change. Specifically, they used the CPI data for each relevant item in landlord operating costs (maintenance, taxes, fuel, administrative costs, utilities, and insurance) and applied it to the appropriate percentage of gross rental income.

The landlord representatives proposed for 1973, a 4% increase to allow for "actual increased costs in maintenance and operation", plus 2% to allow for the "additional cost of implementing the Act" and "for the loss of the use of the landlord's money for advance payment of taxes and inability to collect pass-thrus" immediately. For 1974, the landlords proposed a 6% increase plus pass throughs or 3% in lieu of pass throughs, a total increase for the two years, of 12% plus pass throughs, or 15%.

The landlords supported their proposal by provision of data documenting increased costs of specific items such as fuel, utilities, solid waste disposal, etc. In addition they illustrated the impact of these increased costs by applying them to several "typical" rental units. No comprehensive formula or computations based on sampling of rental units were offered or presented.

* Minute of the Drafting Panel Meeting, January 11, 1974.

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It should be noted that, while the proposed rent ceiling of tenants and landlords were widely divergent, they agreed on the application of a two-step formula which compounds increases separately for 1973 and 1974. It should also be noted that the two groups were surprisingly close in their proposed increases for operating costs in 1973.

It is the conclusion of the Committee after careful study of the two proposals in light of other available data that neither is reasonable and defensible in view of the intent of the Act and this regulation. The tenant proposal, while defensible in its methodology, is open to dispute with regard to the percentages of gross rent allotted to various operating costs, such as fuel and utility costs. The landlord proposal is lacking in specific computations to justify the requested increase.

The Committee concludes that the proposed 4% plus 8% in rent increase formula is reasonable and equitable on the following basis:

(1) The fact that, as documented in the Record, (John Murray, p. 367 of the transcript), only approximately 50% of gross rent is spent for maintenance and operating costs - i. e., non-fixed costs subject to inflation. Hence (as an example) if operating and maintenance costs rise 20% in a given year, rents should be increased 10% to allow for these increased costs. Conversely, a rent increase of 15% for 1973 and 1974 (as proposed by the landlords), presumes an increase of 30% in the non-fixed costs covered by gross rents during the two years.

In 1973, the overall increase in the Cost of Living was 8.8% according to the U. S. Labor Department. The projected increase for 1974, based on the first five months of the year, is 10.7% - a total of 19.5% increase in the CPI for 1973 and 1974. Using the CPI, a total rent increase of approximately 10% for 1973 and 1974 would cover the increased maintenance and operating costs included in gross rents. We know, however, that the cost of fuel and utilities have increased considerably more than other costs. The proposed rent increase formula allows for the increased costs of the landlord while keeping the increase in rents substantially in line with the overall inflationary spiral.

In spite of much landlord opposition to the proposed formula since the Public Hearing, the record indicates that it is not necessarily out of line with the increases projected by landlords early in 1974, when

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fuel costs were at the highest levels. For example, R. Lide Glenn, General Manager of Van Ness Properties, testified that their average rent increase for 1973 was 5.5% and then added: "The rent schedules which we have prepared for the calendar year 1974 and which we have already begun to put into effect suggest an average rent increase of less than 4.8%" . . . a total average increase of less than 11% for 1973 and 1974 for the Van Ness Properties.

(2) The hidden benefit factor for landlords, a repeated subject of questioning and testimony at the public hearing. Tenants repeatedly called for consideration of tax benefits, such as depreciation, past profits, and increased value of property in computing rent ceilings. It is the consideration of the Committee, however, that, except in hardship applications, equitable consideration of such hidden benefits would be impractical if not impossible in setting a general rent increase formula. Nevertheless, it is the intent of the Committee that such factors be weighed in considering hardship petitions.

Against the above background, it is the determination of the Committee that the proposed rent increase formula, coupled with the hardship provision, adequately protects tenants from undue rent increases while making ample allowance for the increased costs of the landlords.

Hardship

The Committee recognizes that certain unusual circumstances may result in hardship for landlords or tenants and specifically makes provisions for petition to the Commission or action on its own initiative to rectify any resulting inequities. While supporting the principle of maintaining maximum rents for housing accommodations at levels which will yield to the landlords a reasonable return from such housing accommodations.

Under hardship provisions, the Commission will consider changes in property taxes, or under or overevaluation through error, unavoidable increases in operating costs and maintenance, increase or reduction of related services and living space, physical condition of the property and capital improvements made on the properties.

The regulation also describes in detail the procedure for filing the petition, for notification of affected parties, documents required,

*U. S. Department of Labor, Bureau of Labor Statistics, C.P.I.

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including itemization of income and expenses, and statements. Examination and copy of documents reports and written material is also made possible for review by the opposing party.

Under the hardship provisions, the Commission, if it has previously conducted a hearing on the given accommodation within a six month period, may refuse to adjust the rent ceiling or to hold further hearings on that particular hardship case.

A section of the regulations also provides for an advance ruling for rent increases for landlords who plan capital improvements or to increase or decrease services or space, approval is conditioned upon submission of valid contracts or plans and specifications approved by the appropriate licensing authority of the District Government and subsequent and final approval of the Commission.

The Rent Control Commission

As provided in the authorizing Act (P. L. 93-157), a Commission of nine members, (including at least four landlords and four tenants), will be appointed by the Mayor, with the consent of the Council, to enforce the regulation. The Commission is authorized to make its own rules and regulations, consider or initiate hardship actions, receive tenant complaints relating to any provision of the regulation and mediate disputes and complaints. In the quorum of five, at least two must be representative of landlord and two of tenant interests.

Lease and Registration Requirements

With respect to lease and registration, no later than sixty days after establishment of the Commission, landlords must register every housing accommodation with the Commission and supply detailed information about the accommodation, utilities and services supplied, base rent and current rent, and nature and costs of capital improvements or substantial rehabilitation which are factors in the allowable rent. Failure to comply with this provision on its effective date disqualifies the landlord from charging any rent above the base rent after such effective date. Registration forms must be available for public inspection by the appropriate tenant.

In addition, this section of the regulation requires that each new tenant occupying a housing unit after effective date of the regulation must receive a lease therefor. The Corporation Counsel opinion holding that the allowable rent ceilings provided therein shall supersede, when applicable, the provisions of existing leases relating to amount of rent is attached.

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Eviction

The prohibition of retaliatory acts are several in consonance with the enabling Act. Specifically, the regulation prohibits retaliatory action against the tenant, including harassment, reduction of services, threat or coercion, or retaliatory eviction. The latter, obviously, is the most frequently used retaliatory act. Its prevention requires the exact stipulation of the "just causes", other than non-payment of rent, for which the landlord may evict a tenant. Accordingly, the regulation provides that a tenant may be evicted only for non-payment of rent or one of the following "just causes".

(1) Violation of an obligation of the tenancy by such acts as Commission of a nuisance, destruction of property, etc. and failure to cease such violation after receiving notice there of from the landlord.

(2) Use of the accommodation for illegal activity, pursuant to adjudication by a competent court of jurisdiction.

(3) Recovery by the landlord to enable him to move into the premises. In this event, the accommodation cannot be rented for six months following recovery.

(4) Sale of the property to a purchaser who plans to move into the accommodation provided tenant has been notified of the intention to sell.

(5) Recovery of the accommodation to make alterations or renovations which cannot be accomplished while the premises are occupied, or for demolition and replacement with new construction. In either case, proper building permits must have been issued to the landlord. If the landlord seeks recovery for substantial rehabilitation, as defined in the regulation, the tenant must be given 120 day notification of such projected rehabilitation and cannot be served with an eviction notice until ninety days after such notification.

(6) Repossession for the immediate purpose of discontinuing housing use of the premises. In this event, the accommodation cannot be rented for six months after recovery.

In addition to stipulating the above "just causes", the regulation provides that certain factors shall be considered by the Commission in determining whether there has been retaliatory action such as tenant complaint to the housing inspectors, tenant participation in a tenant

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organization, action by the tenant to enforce his rights under his lease, or withholding of rent pursuant to landlord's failure to correct outstanding code violations.

Protections Relating to Condominium Conversion

To provide greater opportunity for orderly decision making a tenant of an accommodation to be converted into condominiums must be notified in writing six months prior to such conversion and must be given an immediate bona fide offer to purchase his unit by the converter or seller.

Prohibited Acts and Penalties for Violation of the Regulation

Among the prohibited acts, the regulation stipulates specific prohibited acts such as overcharging of rents above allowable ceilings, making false statements on documents filed with the Commission, increase of rent while operating without a license, or withholding of rent by the tenant without provision for an escrow account. Pursuant to the enabling Act, the regulation provides for maximum fines of \$5,000 for each violation of the Act.

These regulations represent the work of the Advisory Committee of Landlords and Tenants, the diligent efforts of the Housing and Urban Development Committee staff and numerous specialists from government and special interest groups who have been working with the Committee since November, 1973.

The original draft has been through extensive revision in an effort to reflect the principal opinions and concerns of landlords and tenants, and other interested groups. It has been reviewed by the Corporation Counsel's Office, and their recommendations for legal sufficiency and appropriateness have been incorporated.

Staff briefings have been held to familiarize Council members and staff with the contents of the regulations and to sharpen their focus on the basic contents and related issues of this complex piece of legislation.

Inputs from all sources have been considered and while an intensive effort has been made to incorporate these inputs incorporation of all of their desires is an impossible task. There are those who advocate that there should be no rent controls, and conversely there are those who advocate that landlords should absorb

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completely the effects of increased operational costs .

These regulations represent what the Committee believes is a position of equitability and practicality; that fulfills the interest of the enabling legislation; the spirit and purpose of the Council-imposed moratorium to provide the time to assess the rental housing market and the act to stabilize and preserve the best of what is available; to stimulate rehabilitation of properties; to provide incentives to developers and entrepreneurs without reducing the number of units on the rental market.

It is clear that rent control will not solve the housing problems of the District of Columbia and it was not intended to do so. It is but a part of the larger and more comprehensive effort that must be exerted to begin to solve the city's housing and urban development problems .

The regulation will expire in mid June 1975, as mandated by Congress, the provisions of the regulation will be carefully administered and enforced by the Executive Branch of Government. In December 1974, the Council is required by the Congressional Authority, to conduct a hearing with a view to determining whether such regulations, which are being proposed today, should be modified or terminated by reason of a change in the situation which exists now.

The last two months have given us legislative experience which will be valuable as these regulations expire and as the new Council comes into being. Hardly has there been presented before this Council a piece of legislation that has attracted more public interest and concentrated attention in serving the various interests of our city. I believe it to be a substantive legislative effort. As Chairman of the Housing and Urban Development Committee, I transmit the proposed regulation to control rents in the District of Columbia and recommend its adoption.

Attachments: 2

7/9/74

D.C. -44
May 1967

Memorandum • Government of the District of Columbia

Department, Corporation Counsel, D.C.
Agency, Office: L&O:TDK:baa

TO: Sterling Tucker, Vice-
Chairman,
D.C. Council

Date: July 9, 1974

FROM: C. Francis Murphy, *JFM*
Corporation Counsel, D.C.

SUBJECT: Clarification of certain provisions of the proposed
rent control regulation.

In your memorandum of July 3, 1974, you asked whether that section of the proposed rent control regulation which implements the roll back of rents is legally objectionable as an interference with the contractual right of a landlord and tenant to bargain on the amount of rent to be paid. This provision is legally unobjectionable as the Supreme Court, in Block v. Hirsh, 256 U.S. 135 (1921), upheld the validity of such provisions.

You further asked whether subsection (a) of section 10, is legally objectionable. That subsection as amended reads as follows:

"(a) No tenant shall be evicted from his housing accommodation for cause other than for nonpayment of rent, unless he has been served with a notice to vacate, specifying therein the reason for his eviction, and a copy of such notice has been sent to the Commission."

I find this subsection to be legally unobjectionable.

7/9/74



Regulation of the District of Columbia

TITLE REGULATION ESTABLISHING INTEREST RATES FOR CERTAIN LOANS

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, Public Law 93-229 authorized the District of Columbia Council
2 to exempt any loan from the provisions of Chapter 33, Title 28, D. C. Code
3 and change any interest rate specified therein; and
4
5 WHEREAS, the provisions of Chapter 33 of Title 28 of the District of
6 Columbia Code with respect to the maximum lawful rate of interest and to the
7 transactions encompassed therein have placed the citizens of the District of
8 Columbia in a competitive disadvantage with the citizens of other jurisdictions
9 in the Metropolitan Washington, D. C. area; and
10
11 WHEREAS, at the same time as it is amending the usury laws in the manner
12 herein contained, the Council has taken action to insure that residential
13 mortgage loans will be made available in a fair and equitable manner to residents
14 throughout the city.
15
16 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
17 that:
18
19 Section 1. The District of Columbia Council hereby adopts the Regulation
20 Establishing Interest Rates for Certain Loans, as follows:
21
22 "Regulation Establishing Interest Rates for Certain Loans"
23
24

Table with 15 columns: COUNCILMAN, AYE, NAY, N.V., A.B., R.A. (repeated 3 times). Rows include NEVIUS, TUCKER, FORD, FOSTER, MEYERS, MOORE, PARKER, ROBINSON, SELDEN.

Submitted on first reading at a meeting of the District of Columbia City Council on July 18, 1974
Adopted on second and final reading July 26, 1974
Presented to the Mayor-Commissioner July 26, 1974
Approved [Signature] Mayor-Commissioner
Secretary of the City Council [Signature]
Date 1 AUG 1974
Enacted W/O signature of the Mayor according to ten day limitation rule:
Disapproved and returned to the City Council
Readopted

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
[Signature] Secretary of the City Council
P-251
Certified copies are available.

1 Title I - Certain Loans to be Exempt From the Eight Percent Interest Rate

2
3 Section 101. Any loan which is secured by a first mortgage or first
4 deed of trust on residential real property and which, except for the provisions
5 of this Section 101, would be subject to the eight percent maximum rate of
6 interest provided for under Title 28-3301 and Title 28-3303 of the District of
7 Columbia Code, shall be exempt therefrom, provided that:

8
9 (a) the rate of interest thereon pursuant to an agreement in writing
10 between the borrower and lender does not exceed simple interest on the unpaid
11 principal balance of the loan at the rate of ten percent per annum;

12
13 (b) the loan is both contracted for and consummated after the effective
14 date of this regulation, and no written commitment to make the loan at a lower
15 rate of interest than the maximum rate permitted hereunder was issued by the
16 lender to the borrower prior to the effective date of this regulation;

17
18 (c) the loan may be prepaid by the borrower at no penalty at any time
19 following the expiration of three years from the execution of the mortgage or
20 deed of trust; and

21
22 (d) any borrower who has made a downpayment equalling twenty percent
23 or more of the total purchase price of the property is not required by the lender
24 to make advance payments of real estate taxes or casualty insurance premiums to
25 enable the lender to have funds on hand for disbursement for payment of such
26 taxes or insurance premiums and such borrower is informed in writing of his right
27 to pay such taxes and insurance premiums directly.

28
29 Section 102. Any loan in writing which, except for the provisions of
30 this Section 101, would be governed by the eight percent maximum interest rate
31 provisions of Title 28-3301 and Title 28-3303 of the District of Columbia Code,
32 shall be governed thereby and shall be subject to the penalties imposed by
33 Chapter 33 of Title 28 for violation of such eight percent maximum interest
34 rate limitation if all of the requirements of this Section 101 are not complied with.

35
36 Section 103. The provisions of this Title shall terminate two years after
37 effective date of this regulation.

38
39 Title II - Certain Loans Subject to Additional Exemption

40
41 Section 201. Any loan which is secured directly or indirectly by a
42 mortgage or deed of trust other than a first mortgage or deed of trust on residential
43 real property and which, except for the provisions of this Section 201, would be
44 subject to the eight percent maximum rate of interest provided for under Title 28-3301
45 and Title 28-3303 of the District of Columbia Code, shall be exempt therefrom,
46 provided that:

47
48 (a) the rate of interest thereon pursuant to an agreement in writing between
49 the borrower and the lender does not exceed simple interest on the unpaid principal
50 balance of the loan at the rate of eleven and one-half percent per annum;

51
52 (b) the loan is both contracted for and consummated after the effective
53 date of this regulation, and no written commitment to make the loan at the lower
54 rate of interest than is permitted hereunder was issued by the lender to the
55 borrower prior to the effective date of this regulation;

56
57 (c) the loan may be prepaid by the borrower at no penalty at any time following
58 the expiration of three years from the execution of the mortgage or deed of trust;

59
60 (d) the loan shall contain a schedule of payments under which each payment

REGULATION 74-21

3 of 4

1 shall be equal to, or substantially equal to, the other payments, and the intervals
2 between payments shall be substantially equal; and

3
4 (e) the promissory note evidencing the debt shall be, and shall state
5 on its face that it is, not negotiable.

6
7 Section 202. Any loan in writing which, except for the provisions of this
8 Section 201, would be governed by the eight percent maximum interest rate
9 provisions of Title 28-3301 and Title 28-3303 of the District of Columbia Code,
10 shall be governed thereby and shall be subject to the penalties imposed by
11 Chapter 33 of Title 28 for violation of such eight percent maximum interest rate
12 limitation if all of the requirements of this Section 201 are not complied with.

13
14 Title III - Additional Exemptions

15
16 Section 301. Notwithstanding any other provision of this regulation, any
17 loan having an original principal amount in excess of \$5,000.00 shall not be
18 subject to the provisions of Title 28, Chapter 33 of the District of Columbia Code,
19 and it shall be lawful to contract for, or receive, any rate of interest thereon, if
20 any of the following conditions are satisfied:

21
22 (a) the borrower is a not for profit corporation, whether organized under
23 the laws of the United States, the District of Columbia or any other jurisdiction;
24 or

25
26 (b) the borrower is an individual, group of individuals, corporation,
27 unincorporated association, partnership, or any other entity, and the loan is made
28 for the purpose of acquiring or carrying on a business, professional, or commercial
29 activity; or

30
31 (c) the borrower is an individual, group of individuals, corporation,
32 unincorporated association, partnership, or any other entity, and the loan is made
33 for the purpose of acquiring any real or personal property as an investment or
34 for carrying on an investment activity; or

35
36 (d) the borrower is a religious society, as provided in Chapter 5 of
37 Title 29 of the District of Columbia Code, and the loan is made for the purpose
38 of acquiring or making an improvement on any real or personal property for purposes
39 other than commercial or investment activities.

40
41 Section 302. Nothing in this Title III shall be construed to limit or
42 restrict in any way the operation of Section 29-904(h), D. C. Code, but rather
43 the purpose of this Title III is to extend to the types of loans identified in Section
44 301 the prohibition contained in Section 29-904(h) against pleading any statutes
45 against usury in any action.

46
47 Title IV - Miscellaneous Provisions

48
49 Section 401. If any provision of this regulation is for any reason held
50 invalid or unconstitutional by a court of competent jurisdiction, such provision
51 shall be deemed a separate, distinct, and independent provision and such holding
52 shall not affect the validity of the remaining provisions.

53
54 Section 402. No later than one year after effective date of this regulation
55 the District of Columbia Council, in consultation with the Commission on Residential
56 Mortgage Investment established through Resolution Number 74-55 shall review the
57 impact of this regulation upon mortgage availability, economic development and
58 consumer protection in the District of Columbia and make appropriate recommendations
59 to the Council for continuation, termination, or amendment of any of the provisions
60 of this regulation.

1 Section 2. This Regulation shall become effective immediately upon
2 enactment.
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Regulation No. 74-22

August 30, 1974
Enactment Date



Regulation

of the
District of Columbia

TITLE MINORS HEALTH CONSENT REGULATION

Dr. Henry S. Robinson, Jr. Presents the following regulation:

WHEREAS, the District of Columbia is authorized to make all reasonable and usual regulations for the protection of the health of the citizens; and

WHEREAS, the District of Columbia is authorized pursuant to D.C. Code, Section 1-226, 1973 ed. to make reasonable and usual police regulations for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia.

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

Section 1. Definitions.

A. For the purpose of this regulation: "Minor," means any person under the age of majority as defined by the District statute or under 18 years of age, whichever is lower.

B. "Emancipated Minor," means a minor who is or has been married, or who is serving or has served in the armed forces, or who is employed and contributing more than half of his own support if residing with his parents, or who is residing apart from his parents and managing his own affairs, or who is making the major decisions affecting his own life.

C. "Parent," means either natural parent or legal guardian.

RECORD OF COUNCIL VOTE

COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	
NEVIUS				X		FOSTER				X		PARKER	X	X				
TUCKER	X	X				MEYERS	X	X				ROBINSON	X	X				
FORD	X	X				MOORE	X	X				SELDEN	X	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on August 6, 1974

Adopted on second and final reading August 20, 1974

Presented to the Mayor-Commissioner August 20, 1974

John T. Bleeker
Acting Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

30 AUG 1974

Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein

Edward B. Webb
Secretary of the City Council

--2 of 4--

1 D. "Health Professional," means state licensed physician, psychologist,
2 dentist, osteopathic physician, nurse, and other licensed health practitioner.

3
4 E. "Health Services," means health services specified by the state,
5 appropriately delivered by different health professionals including examination,
6 preventive and curative treatment, operation, hospitalization (admission or
7 discharge) giving or receiving blood and blood derivatives, receiving organ
8 transplanted, pledging donation of organs after death, the use of anesthetics,
9 and receiving contraceptive advice and devices.

10
11 F. "Consent," For the purpose of this regulation consent means informed
12 consent, to give information, to make known, to impart knowledge of a fact or
13 circumstance of treatment or procedure.

14 G. The masculine shall include the feminine.

15
16
17 Section 2. Conditions for Consent.

18
19 A. Any person who is 18 years of age or more may consent to the provision
20 of health services for himself, or for his child, or for his spouse.

21
22 B. Any person who is 18 years of age or more may consent to donate blood
23 or other aspects of health care and for the purpose of this regulation, shall
24 be regarded as having achieved his majority.

25
26 C. "Children of minor parents," A minor parent may consent to the
27 provision of health services to his or her child.

28
29 D. "Emergencies," Health services may be provided to a minor of any age
30 without parental consent when, in the judgment of the treating physician,
31 surgeon or dentist, the delay which would result from attempting to obtain
32 parental consent would substantially increase the risk to the minors life,
33 health, mental health or welfare or unduly prolong suffering.

34
35 E. A health professional may render or attempt to render emergency
36 service or first aid, medical, surgical, dental or psychiatric treatment
37 without compensation to any injured person or any person regardless of age
38 who is in need of immediate health care when, in good faith, the professional
39 believes that the giving of aid is the only alternative to probable death or
40 serious physical or mental damage. For major surgery or any dangerous
41 procedures concurrence of another physician shall, if practical, be obtained.

42
43 F. "Special Situation," A minor of any age may consent to medical
44 services which he or she request for the prevention, diagnosis, and/or
45 treatment of (1) pregnancy or its lawful termination (2) substance abuse,
46 including drug and alcohol abuse, and (3) psychological disturbance.

47
48 G. Self-consent of minors shall not apply to sterilization, such as
49 tubal ligation or vasectomy.

50
51 Section 3. Financial Responsibility.

52
53 A. A minor who consents to the provision of health services to himself
54 or his child under the terms of this regulation is liable for the payment of
55 such services rendered pursuant to this regulation.

56
57 B. The spouse, parent, parents or legal guardian shall not be liable
58 for payment for such services unless the spouse, parent, parents or legal
59 guardian have expressly agreed to pay for such care. The minor so consenting
60 for such health services shall thereby assume financial responsibility for

1 the cost of said services except those who are proven unable to pay and
2 who receive the services in public institutions, or who qualify for
3 medicaid or other subsidized forms of relief.
4

5 Section 4. The Health Professional's Liability.
6

7 A. No physician, surgeon, dentist, health or mental care facility may
8 be compelled against his or its best judgment to treat a minor on his own
9 consent. However, such persons do bear an obligation to refer such a minor
10 to another facility.
11

12 B. If such person having acted in good faith, no physician, surgeon,
13 dentist, health or mental health care facility may be held liable on the
14 basis of a minor's misrepresentations.
15

16 C. Any minor who is examined, treated, hospitalized, or receives health
17 services under this regulation may give legal consent, and no person who
18 administers such health services shall be liable civilly or criminally for
19 assault, battery, or assault and battery; or any other civil legal charge,
20 except for negligence or intentional harm in the diagnosis and treatment
21 rendered such minor.
22

23 D. The health professional may, but shall not be obliged to inform the
24 parent, parents, or legal guardian of the minor of any treatment given or
25 needed when:
26

27 1. In the judgment of the health professional;
28

29 (a) Severe complications are present or anticipated; or
30

31 (b) Major surgery or prolonged hospitalization is needed; or
32

33 (c) Failure to inform the parent, parents or legal guardian
34 would seriously jeopardize the safety and health of the
35 minor patient; or
36

37 (d) To inform them would benefit the minor's physical and
38 mental health and family harmony.
39

40 2. Such information shall be given to the minor's parent, parents,
41 or legal guardian only when the minor consents or when because of the minor's
42 age or condition the attending health professional can reasonably presume
43 such consent.
44

45 3. Except by specific legal requirement, no information in regard
46 to venereal disease, drug and substance abuse, pregnancy, and emotional illness
47 shall be given by the health professional to another professional, school, law
48 enforcement official, court authority, government agent, spouse, future spouse,
49 employer, or any other person without the consent of the minor, unless giving
50 the information is necessary to the health of the minor, and the public, and
51 only when the minor's identity is kept confidential.
52

53 4. Notification or disclosure to the spouse, parent, parents, or
54 legal guardian by the health profession shall not constitute libel or slander,
55 a violation of the right of privacy, a violation of the rule of privileged
56 communication or any other legal basis of liability. When the minor is found
57 not suffering from a drug or substance abuse, including alcohol and nicotine,
58 then, no information with respect to any appointment, examination, test, or
59 other health procedure shall be given to the parent, parents, or legal guardian,
60 if they have not been already informed as permitted in regulation, without

the consent of the minor.

Section 5. This regulation shall take effect immediately upon enactment.

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Regulation of the District of Columbia

TITLE REGULATION TO MODIFY PAYMENT FOR DAY CARE (Amendment to Regulation 69-9)

Dr. Henry S. Robinson, Jr. Presents the following regulation:

1 WHEREAS, pursuant to paragraphs 82 and 83, Section 402, Reorganization Plan No. 3
2 of 1967, the District of Columbia Council is authorized to establish rules and regulations
3 regarding the adoption of rules for the receiving and temporary care of children; and
4

5 WHEREAS, the payment rate to facilities providing day care has not been changed since
6 it was established in January 1969, even though the increased cost of living has caused a
7 sharp increase in the expenses for the facilities; and
8

9 WHEREAS, the Department of Human Resources has recommended the increase in rates
10 payable per child for the provision of day care.

11
12 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

13
14 Section 1. Section 9, Regulation 69-9, is hereby amended to read as follows:

15
16 "Section 9. Payments to Day Care Centers (slot funded) where contracts call
17 for payment per child placed to Family Day Care Homes or to In-Home Caretakers
18 shall be made according to the following rates:

19
20 (a) Full Day Care

21
22 (1) Family Day Care Homes - \$4.00 per day per child.
23
24

RECORD OF COUNCIL VOTE																		
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	
NEVIUS				X		FOSTER				X		PARKER	X	X				
TUCKER	X					MEYERS	X	X				ROBINSON	X	X				
FORD				X		MOORE	X	X				SELDEN					X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on August 20, 1974

Adopted on second and final reading August 27, 1974

Presented to the Mayor-Commissioner August 27, 1974
Date

Edward S. Kelly
Secretary of the City Council

Approved *Walter Washington*
Mayor-Commissioner

8/29/74
Date

Enacted W/O signature of the Mayor according to ten day limitation rule:

Date

Disapproved and returned to the City Council

Mayor-Commissioner

Date

Readopted

Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.

Edward S. Kelly
Secretary of the City Council

(2) Day Care Centers - \$6.00 per day per child, with \$1.00 added when transportation is provided.

(3) In-Home Care

(A) For care during the day, \$2.50 per child per day.

(B) For care during night hours, \$3.25 per child per night.

(b) Part-time Care

(1) Family Day Care Homes - \$2.50 per day per child for before and after school care.

(2) Day Care Centers - \$3.00 per day per child for before and after school care.

(3) In-Home Care

(A) Before and after school care, \$1.50 per child per day.

(B) For night care of less than six hours, \$1.75 per child per night."

Section 2. This regulation shall be applicable for contracts entered for the 1975 fiscal year.

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Regulation No. 74-24

Enactment Date August 30, 1974

Regulation of the District of Columbia

TITLE REGULATION IMPOSING TEMPORARY MORATORIUM ON THE CONVERSION OF RENTAL UNIT PROPERTIES INTO HORIZONTAL PROPERTY REGIMES

Acting Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized, pursuant to
2 Section 2 of the Act approved August 29, 1974, P. L. 93-395 to prohibit
3 the establishment of any horizontal property regime, real estate condominium
4 project, or other conversion of units in a multiunit structure into a condominium
5 pursuant to the Horizontal Property Act of the District of Columbia; and
6

7 WHEREAS, the District of Columbia Council finds that the rate of condominium
8 conversion is constantly increasing, and if conversions continue at this rate
9 their effect upon the rental inventory will become even more substantial and will
10 lead to further depletion of the shrinking rental housing supply in the District;
11 and
12

13 WHEREAS, unless there is an immediate curtailment of such conversion to
14 condominium status the rental housing supply in the District of Columbia will
15 not meet available demands; and
16

17 WHEREAS, the District of Columbia Council finds that the rapid increase in
18 the rate of condominium conversions has created an emergency in the rental
19 housing supply and that a regulation imposing a temporary moratorium in the
20 conversion of rental properties to condominium status is necessary for the
21 preservation of the public peace, health, safety, welfare and morals, and to
22 preserve the status quo in the rental housing industry within the District of
23 Columbia.
24

NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

RECORD OF COUNCIL VOTE																		
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	
NEVIUS				X		FOSTER	X					PARKER					X	
TUCKER	X					MEYERS	X					ROBINSON	X					
FORD				X		MOORE	X					SELDEN					X	

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on ^{emergency} reading at a meeting of the District of Columbia City Council on August 30, 1974

Adopted on ~~second~~ and final reading

Presented to the Mayor-Commissioner August 30, 1974

Approved Walter Washington Mayor-Commissioner Edward B. Walsh Secretary of the City Council AUG 30 1974

Enacted W/O signature of the Mayor according to ten day limitation rule: _____ Date _____

Disapproved and returned to the City Council _____ Mayor-Commissioner _____ Date _____

Readopted _____ Date _____

I hereby certify that this regulation is true and adopted (or readopted) as stated therein. Edward B. Walsh Secretary of the City Council

1 Section 1. After the effective date of this regulation:
2

3 (a) Neither the District Government, or any officer or employee thereof,
4 shall accept applications, plats or any other documents relating to the conversion
5 of residential units into a condominium pursuant to the Horizontal Property Act
6 of the District of Columbia;
7

8 (b) Neither the District Government, nor any officer or employee thereof,
9 shall perform any services in connection with the conversion of residential
10 units into a condominium pursuant to the Horizontal Property Act of the District
11 of Columbia, and this subsection shall apply, without limitation, to proposed
12 conversions for which applications, plats or other documents have been filed
13 heretofore.
14

15 Section 2. Any notice to quit that has heretofore been served for the purpose
16 of converting a rental unit to a condominium pursuant to the Horizontal Property
17 Act of the District of Columbia shall be tolled for the duration of this regulation.
18

19 Section 3. Notwithstanding any other provision of this regulation, any
20 owner of residential rental property who is aggrieved by this regulation may
21 apply to the Commissioner or his designated agent for relief, including, but
22 not limited to, exemption from the provisions hereof. Such application shall
23 state, under oath, specifically and in detail, the exact status of the property
24 in question, the hardship imposed by this regulation and the relief sought. The
25 Commissioner, or his designated agent, shall act promptly on such application,
26 taking into consideration, without limitation, the particular circumstances of
27 the owner including the level and stage of the owner's capital outlays and of the
28 affected tenants, and the stage of development of the proposed conversion, and
29 shall thereupon take such actions as in his judgment are right and proper in the
30 circumstances.
31

32 Section 4. If any provision of these regulations, or any section, sentence,
33 clause, phrase, or word or the application thereof, in any circumstances is held
34 invalid, the validity of the remainder of these regulations, and of the application
35 of any such provision, section, sentence, clause, phrase, or word in any other
36 circumstances shall not be affected thereby and to this end, the provisions of
37 these regulations are declared severable.
38

39 Section 5. This regulation shall terminate sixty (60) days after the effective
40 date.
41

42 Section 6. This regulation shall take effect upon enactment.
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Regulation No. 74-25



October 12, 1974
Enactment Date

Regulation

of the
District of Columbia

TITLE AMENDMENT TO HIGHWAYS AND TRAFFIC REGULATIONS AUTHORIZING RESIDENTIAL PERMIT PARKING IN CERTAIN AREAS

Councilman Jerry A. Moore, Jr. Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized under paragraph (297) of
2 section 402 of Reorganization Plan No. 3 of 1967 to make, modify, and repeal
3 reasonable regulations regarding the movement of traffic and the parking thereof, under
4 D. C. Code, section 40-603(e); and

5
6 WHEREAS, the District of Columbia Council is authorized under paragraph (1) of
7 section 402 of Reorganization Plan No. 3 of 1967 to make, modify, and repeal
8 reasonable police regulations under D. C. Code, section 1-224; and

9
10 WHEREAS, the District of Columbia Council is authorized to enact necessary
11 regulations to protect and improve air quality in the District of Columbia under the
12 District of Columbia Air Pollution Control Act (D. C. Code, sections 6-811 to 6-813);
13 and

14
15 WHEREAS, the District of Columbia Council finds that it is in the best interests
16 of the District of Columbia to reduce vehicular congestion on residential streets and to
17 facilitate the efficient movement of traffic by providing for parking preference during
18 certain hours of the day and days of the week; and

19
20 WHEREAS, the District of Columbia Council finds that a residential permit parking
21 regulation is necessary to promote the health, safety, and welfare of the residents of
22 the District by providing adequate parking spaces for residents adjacent to or close by
23 their places of residence; and
24

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER				X		MEYERS	X					ROBINSON	X				
FORD				X		MOORE				X		SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on September 17, 1974

Adopted on second and final reading October 1, 1974

Presented to the Mayor-Commissioner October 3, 1974
Date

Approved [Signature] Mayor-Commissioner
Date October 12, 1974

Enacted W/O signature of the Mayor according to ten day limitation rule:
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
[Signature] Secretary of the City Council

1 WHEREAS, the District of Columbia Council finds that residential permit parking
2 will reduce motor vehicle miles travelled in the District of Columbia by requiring
3 commuters to carpool or to utilize forms of transportation which are less polluting per
4 person than private passenger motor vehicles, and thereby assist in the attainment of
5 national ambient air quality standards as required by the District of Columbia Air
6 Implementation Plan approved by the Federal Environmental Protection Agency.

7
8 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council that:

9
10 Section 1. Article XIII of the Highways and Traffic Regulations of the District of
11 Columbia is hereby amended as follows:

12
13 (1) by redesignating subsections (a) and (b) of Section 82 as subsection
14 "(b)" of Section 80; and

15
16 (2) by adding a new Section 82 titled "Residential Parking Areas", to read
17 as follows:

18 "Section 82. Residential Permit Parking Areas

19
20
21 "(a) The Commissioner is hereby authorized to designate
22 by order, subject to approval by the Council as hereinafter
23 provided, public highways and other areas within the District
24 on which the parking of vehicles may be restricted, beyond a
25 consecutive two (2) hour period between the hours of 7 A.M.
26 and 6:30 P.M. on weekdays, excepting holidays, in whole or
27 in part to vehicles bearing a valid parking permit issued
28 pursuant to this section. This authority shall be in addition
29 to and may be exercised in conjunction with any other authority
30 the Commissioner may have to regulate the times and conditions
31 of motor vehicle parking.

32
33 "(b) As used in this section --

34
35 "(1) 'Residential area' shall mean a contiguous or
36 nearly contiguous area containing public highways or parts
37 thereof primarily abutted by residential property or residential
38 and non business property (such as schools, parks, churches,
39 hospitals, and nursing homes), and designated as such by
40 the Commissioner.

41
42 "(2) 'Commuter vehicle' shall mean a motor vehicle
43 parked in a residential area by a person not a resident thereof.

44
45 "(c) A residential area shall be deemed eligible for residential
46 permit parking if, based on objective criteria established by the
47 Commissioner, parking therein is impacted by commuter vehicles
48 between 7 A.M. and 6:30 P.M. weekdays, except holidays.

49
50 "(d) In determining whether an area identified as eligible for
51 residential permit parking shall be designated as a residential permit
52 parking area, the Commissioner shall take into consideration the
53 following factors:

54
55 "(1) The local and metropolitan needs with respect to clean
56 air and the requirements of Federal and District air quality plans,
57 rules and regulations;

58
59 "(2) The possibility of a reduction in total vehicle miles
60 driven in the District of Columbia;

REGULATION 74-25

3 of 5

1 "(3) The likelihood of alleviating traffic congestion,
2 illegal parking, and related health and safety hazards;

3
4 "(4) The proximity of public transportation to the
5 residential area;

6
7 "(5) The desire and need of the residents for residential
8 permit parking and their willingness to bear the administrative
9 costs in connection therewith; and

10
11 "(6) The need for parking in excess of two (2) hours in
12 proximity to establishments located therein and used by the
13 general public for religious, health, or educational purposes.

14
15 "(e) In order to determine whether a particular street, avenue, or
16 other location shall be designated as a residential permit parking area,
17 the Commissioner or his designee may conduct, upon his own initiative
18 or upon a petition of a majority of the households in such area,
19 addressed to the Commissioner or the Council, a public forum, prior
20 to the designation of a parking permit area, or prior to the withdrawal
21 of such designation once it is established. Such forum shall be held
22 only after due notice has been published in a newspaper of general
23 circulation throughout the District and in the D. C. Register. The
24 notice shall clearly state the purpose of the forum, the exact location
25 and boundaries of the residential permit parking area under consideration,
26 the reasons why such area is being proposed for designation as a
27 residential permit parking area, and, if applicable, the proposed permit
28 parking fee that would be charged. In addition to the published notice
29 a similar notification shall be mailed to every household, the identity
30 of which can reasonably be established, within the area under
31 consideration. During such forum, any interested person shall be
32 entitled to appear and be heard. No forum shall be held and no area
33 designated if it is not found to be an impacted area under subsection
34 (c) of this section.

35
36 "(f) Within 30 days following the close of the public forum, the
37 Commissioner shall recommend by report to the Council, based on the
38 record of such forum, whether to designate the area under consideration
39 as a residential permit parking area or to remove the designation in the
40 case of an established residential permit parking area. Within 45 days
41 following the receipt of the report, the Council shall approve or
42 disapprove the recommendation of the Commissioner.

43
44 "(g) Following Council approval of the designation of a residential
45 permit parking area, the Commissioner or his designee shall issue
46 appropriate permits and shall cause parking signs to be erected in the
47 area, indicating the times, locations, and conditions under which
48 parking shall be by permit only. A permit shall be issued upon application
49 and payment of the applicable fee, only to the owner or the operator of a
50 motor vehicle who resides on property immediately adjacent to a street,
51 avenue, or other location within the residential permit parking area.

52
53 "(h) The application for a permit shall contain the name of the owner
54 or operator of the motor vehicle, residential address, the motor vehicle's
55 make, model, registration number, and the number of the applicant's
56 operator's permit. The motor vehicle's registration and operator's license
57 may, in the discretion of the Commissioner, be required to be presented
58 at the time of making said application in order to verify the contents
59 thereof. The owner or operator of any motor vehicle applying for a
60 residential parking permit shall have valid District of Columbia motor

REGULATION 74-25

4 of 5

1 vehicle license tags unless not legally required to have them. The
2 permit shall be renewed annually upon such conditions and procedures
3 as the Commissioner shall specify. The permit shall display the
4 motor vehicle's serial, license and zone numbers and expiration date.
5

6 "(i) Notwithstanding any provision of this Article to the contrary,
7 the holder of a residential parking permit shall be permitted to stand
8 or park a motor vehicle operated by him in any designated residential
9 parking area during such times as the parking of motor vehicles therein
10 is permitted. While a vehicle for which a residential parking permit has
11 been issued is so parked, such permit shall be displayed so as to be
12 clearly visible through the windshield of the vehicle. A residential
13 parking permit shall not guarantee or reserve to the holder a parking
14 space within a designated residential permit parking area. A
15 residential parking permit shall not authorize the holder thereof to
16 stand or park a motor vehicle in such places or during such times as
17 the stopping, standing, or parking of motor vehicles is prohibited or
18 set aside for specified types of vehicles, nor exempt the holder from
19 the observance of any traffic regulation other than two-hour parking
20 limit.
21

22 "(j) No person other than the permittee named thereon shall use
23 a residential parking permit or display it on a vehicle operated or parked,
24 and any such use or display by a person other than the permittee shall
25 constitute a violation of this regulation by the permittee and by the person
26 who so used or displayed such parking permit.
27

28 "(1) It shall constitute a violation of this regulation for any
29 person to falsely represent himself as eligible for a residential
30 parking permit or to furnish any false information in an application
31 to the Commissioner in order to obtain a residential parking permit.
32

33 "(2) The Commissioner is authorized to revoke the residential
34 parking permit of any permittee found to be in violation of this
35 regulation and, upon written notification thereof, the permittee
36 shall surrender such permit to the Commissioner. Failure, when
37 so requested, to surrender a residential parking permit so revoked
38 shall constitute a violation of this regulation.
39

40 "(k) The Commissioner is authorized to establish by order an annual
41 residential permit parking fee to cover the administrative costs of permits
42 issued pursuant to this section.
43

44 "(l) The Commissioner is authorized to make provisions for: (i) the
45 issuance of temporary parking permits to bona fide visitors of residents of
46 a designated residential parking area; and (ii) the issuance of exemption
47 parking permits to handicapped persons in keeping with the requirements
48 of Regulation No. 73-12, (Regulation Providing Special Parking Privileges
49 for Handicapped Drivers).
50

51 "(m) Any person who shall violate any provision of this regulation
52 shall, upon conviction, be subject to punishment by a fine of not more
53 than \$300 or imprisonment of not more than 10 days, or both."
54

55 Section 2. Severability.
56

57 The provisions of this regulation are severable and if any provision, clause,
58 sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional,
59 or inapplicable to any person or circumstances, such illegality, invalidity or
60 unconstitutionality, or inapplicability shall not affect or impair any of the remaining

REGULATION 74-25

provisions, clauses, sentences, subsections, words, or parts of the regulation or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this regulation would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstances, to which the regulation or part thereof is held inapplicable, had been specifically exempted therefrom.

Section 3. This regulation shall take effect sixty (60) days after enactment.

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Regulation No. 74-26



October 18, 1974
Enactment Date

Regulation

of the
District of Columbia

TITLE "HORIZONTAL PROPERTY REGIME (CONDOMINIUM) REGULATIONS WITH PROVISION FOR IMPOSITION OF A MORATORIUM ON THE CONVERSION OF RENTAL UNIT PROPERTIES INTO HORIZONTAL PROPERTY REGIMES"

Vice Chairman Sterling Tucker Presents the following regulation:

1 WHEREAS, the District of Columbia Council is authorized to make rules
2 and regulations with respect to Horizontal Property Regimes pursuant to the
3 provisions of Section 5-928 and to make regulations for the protection of lives,
4 limbs, health, comfort and quiet of all persons and the protection of all property
5 within the District of Columbia under Section 1-226, D. C. Code, 1973 edition,
6 as amended; and

7
8 WHEREAS, the District of Columbia Council is authorized, pursuant to
9 Section 2 of the Act, approved August 29, 1974, P. L. 93-395 to prohibit the
10 establishment of any horizontal property regime, real estate condominium project,
11 or other conversion of units in a multi-unit structure into a condominium pursuant
12 to the Horizontal Property Regime Act of the District of Columbia; and

13
14 WHEREAS, the District of Columbia Council has previously enacted such
15 a regulation (Regulation No. 74-24) imposing a temporary 60-day moratorium and
16 due to the following reasons deems it necessary to extend the moratorium for an
17 additional period, terminating at the same time as the rent control regulations; and

18
19 WHEREAS, there is a grave housing crisis in the District of Columbia,
20 evidenced partially by increasing rents and decreasing supply of rental units
21 available to persons of low-moderate-and middle-income, and in particular
22 to elderly persons; and
23
24

RECORD OF COUNCIL VOTE																	
COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.	COUNCILMAN	AYE	NAY	N.V.	A.B.	R.A.
NEVIUS	X					FOSTER	X					PARKER	X				
TUCKER	X					MEYERS	X					ROBINSON	X				
FORD				X		MOORE	X					SELDEN	X				

X—Indicates Vote A. B.—Absent N. V. Not Voting R. A.—Readopted

Submitted on first reading at a meeting of the District of Columbia City Council on October 1, 1974

Adopted on second and final reading October 15, 1974

Presented to the Mayor Commissioner October 15, 1974 *Edward B. Webb*
Secretary of the City Council

Approved *Robert M. Washburn* 18 OCT 1974
Mayor-Commissioner Date

Enacted W/O signature of the Mayor according to ten day limitation rule: _____
Date

Disapproved and returned to the City Council _____
Mayor-Commissioner Date

Readopted _____
Date

I hereby certify that this regulation is true and adopted (or readopted) as stated therein.
Edward B. Webb
Secretary of the City Council

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1 WHEREAS, one of the ways in which this decrease in housing supply
2 has been affected has been the conversion of rental units to condominiums,
3 which conversion, if permitted to continue at the present rate, will have a
4 substantial effect upon the rental inventory which will lead to the further
5 depletion of the shrinking housing supply in the District; and

6
7 WHEREAS, such conversion will for the most part be irreversible once
8 completed, and the situation has now become a genuine emergency threatening
9 the public peace, health, safety, welfare and morals of District residents by
10 decreasing the housing supply, increasing the cost of housing, increasing the
11 extent and degree of overcrowding of the residents and fostering instability
12 amongst the communities threatened by such conversion; and

13
14 WHEREAS, unless there is a further curtailment of such conversion to
15 condominium status, the rental housing supply in the District of Columbia will
16 not meet available demands.

17
18 NOW, THEREFORE, BE IT ENACTED by the District of Columbia Council
19 that:

20
21 PART I
22 DEFINITIONS AND APPLICATION

23
24 Section 1.1 - Definitions

25
26 (a) City Council - shall mean the District of Columbia Council as
27 established pursuant to the provisions of Section 201, et seq., of Reorganization
28 Plan No. 3 of 1967.

29
30 (b) Commissioner - shall mean the Commissioner of the District of
31 Columbia as appointed pursuant to the provisions of Section 301, et seq., of
32 Reorganization Plan No. 3 of 1967.

33
34 (c) Common Expenses* - means and includes -

35
36 (1) all sums lawfully assessed against the unit owners by the
37 council of co-owners;

38
39 (2) expenses of administration, maintenance, repair, or replacement
40 of the common areas and facilities, including repair and replacement funds
41 as may be established;

42
43 (3) expenses agreed upon as common expenses by the council of
44 co-owners;

45
46 (4) expenses declared common expenses pursuant to the provisions
47 of Section 5-901, et seq., D. C. Code, 1973, or by the bylaws.

48
49 (d) Common Profits* - means the balance of all income, rents, profits,
50 and revenues from the common areas and facilities remaining after deductions
51 of the common expenses.

52
53 (e) Condominium* - means the ownership of single units in a multi-unit
54 structure with common elements.

55
56 (f) Condominium project* - means a real estate condominium project;
57 a plan or project whereby five or more apartments, rooms, office spaces, or
58 other units in existing or proposed buildings or structures are offered or proposed
59 to be offered for sale.
60

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1 (g) Co-owner* - means a person(s), corporation, trust or other legal entity,
2 or any combination thereof, that owns a condominium unit within the building.

3
4 (h) Council of Co-owners* - means the co-owners acting as a group in
5 accordance with the provisions of Section 5-901, et seq., D. C. Code, 1973
6 ed. and the bylaws and declaration established thereunder; and a majority,
7 as defined (infra) shall, except as otherwise provided in Section 5-901, et seq.
8 constitute a quorum for the adoption of decisions.

9
10 (i) Developer* - means a person that undertakes to develop a real
11 estate condominium project.

12
13 (j) General common elements* - except as otherwise provided in the
14 plat of condominium subdivision, means and includes -

15
16 (1) the land on which the building stands in fee simple or leased
17 provided that the leasehold interest of each unit is separable from the
18 leasehold interests of the other units;

19
20 (2) the foundations, main walls, roofs, halls, columns, girders,
21 beams, supports, corridors, fire escapes, lobbies, stairways, and entrance
22 and exit or communication ways;

23
24 (3) the basements, flat roofs, yards, and gardens except as
25 otherwise provided or stipulated;

26
27 (4) the premises for lodging of janitors or persons in charge of
28 the building, except as otherwise provided or stipulated;

29
30 (5) the compartments or installations of central services such as
31 power, light, gas, cold or hot water, heating, central air-conditioning
32 or central refrigeration, swimming pools, reservoirs, water tanks and
33 pumps, and the like;

34
35 (6) the elevators, garbage and trash incinerators and, in general,
36 all devices or installations existing for common use; and

37
38 (7) all other elements of the building rationally of common use or
39 necessary to its existence, upkeep, and safety.

40
41 (k) Horizontal Property Act - means the Horizontal Property Act of the
42 District of Columbia, 77 Stat. 449, as amended, Secs. 5-901, et seq., D. C.
43 Code, 1973 ed., as the same may be amended from time to time.

44
45 (l) Limited common elements* - means and includes those common elements
46 to be reserved for the use of a certain number of condominium units, such as special
47 corridors, stairways, and elevators, sanitary services common to the apartments
48 of a particular floor, and the like.

49
50 (m) Lot of Record - a lot platted and recorded on the records of the
51 Surveyor.

52
53 (n) Majority of Co-owners* - "two-thirds of the co-owners," and "three-
54 fourths of the co-owners" mean, respectively, 51, 66-2/3, and 75 per centum or
55 more of the votes of the co-owners computed in accordance with their percentage
56 interests as established under Section 5-906, D. C. Code, 1973 ed.

57
58 (o) Person* - means a natural individual, corporation, trustee, or other
59 legal entity or any combination thereof.
60

1 (p) Plat of Condominium Subdivision* - means the plat of the Surveyor
 2 of the District of Columbia establishing the condominium units, accessory units,
 3 general common elements, and limited common elements.

4
 5 (q) Property* - means and includes the lands whether leasehold, if
 6 separable as defined in (j)(1) of this section, or in fee simple, the building,
 7 all improvements and structures thereon, and all easements, rights, and
 8 appurtenances thereunto belonging.

9
 10 (r) Record Plat - a plat showing lots, streets, public alleys, etc.
 11 recorded in the office of the Surveyor.

12
 13 (s) Subdivision - is the division or assembly of improvements into
 14 one or more units of record.

15
 16 (t) To Record* - means to record in accordance with the provisions of
 17 either Sections 45-501 or 5-901, et. seq., D. C. Code, 1973 ed.

18
 19 (u) Unit or condominium unit* - means an enclosed space, consisting
 20 of one or more rooms, occupying all or part of one or more floors in buildings
 21 of one or more floors or stories regardless of whether it be designed for
 22 residence, for office, for the operation of any industry or business, or for any
 23 other type of independent use, and shall include such accessory units as may
 24 be appended thereto, such as garage space, storage space, balcony, terrace
 25 or patio: Provided, that said unit has a direct exit to a thoroughfare or to a
 26 given common space leading to a thoroughfare.

27
 28 *As defined in Section 5-902, D. C. Code, 1973 ed., as amended.

29
 30 Section 1.2 - Interpretation of Regulations

31
 32 Whenever these regulations shall require restrictions or conditions of
 33 higher standards than required in or under any statute or any other municipal
 34 regulations, the provisions of these regulations shall govern. Wherever the
 35 provisions of any statute or of any municipal regulations shall require restrictions
 36 or conditions of higher standards than are required in or under these regulations,
 37 the provisions of such statute or other municipal regulations shall govern.

38
 39 Section 1.3 - Application of Regulations

40
 41 (a) No multi-unit structures, land, or buildings in the District of Columbia
 42 shall be subdivided for purposes of establishing a condominium project and no
 43 condominium units shall be created, except in conformity with these regulations
 44 and other applicable laws and regulations of the District of Columbia.

45
 46 (b) No part of a building or buildings shall be offered for sale or conveyed
 47 as condominium units except in conformity with these regulations and unless,
 48 prior thereto, such building or buildings shall have been resubdivided in conformity
 49 with all applicable laws and regulations of the District of Columbia.

50
 51 (c) No notice to quit shall be served on any tenant of a building for reason
 52 of intended conversion to condominium unit or project except in conformity with
 53 these regulations and other applicable laws and regulations of the District of
 54 Columbia.

55
 56 PART II

57 PROCEDURE TO SUBDIVIDE FOR A CONDOMINIUM PROJECT

58
 59 Section 2.1 - Application for a Condominium Project

60 (a) Application for a condominium project shall be submitted on a form

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1 provided by the Surveyor who shall make or cause to be made a plat or plats
2 in conformity with the requirements of Section 5-909, D. C. Code, 1973 ed.

3
4 (b) The applicant for a condominium project shall furnish such information
5 or documentation as the Surveyor shall deem necessary in order to prepare the
6 plat or plats. Such documentation may include, but not necessarily be limited
7 to, the building plans, declaration, and bylaws.

8
9 (c) A condominium project must be located on a lot of record. If such
10 lot of record is not in existence at the time of application, the applicant shall
11 make a request for such subdivision on a form provided by the Surveyor. Such
12 lot of record will be prepared in accordance with the requirements of the
13 Subdivision Regulations. (C.O. 67-651a).

14
15 (d) After the certification and recording of the condominium plats by the
16 Surveyor, the developer shall file with the Surveyor a certified copy of the
17 recorded declaration and bylaws, and any amendments thereto.

18
19 Section 2.2 - The Plats of Condominium Subdivision

20
21 (a) The plats for a condominium subdivision shall consist of, but not
22 necessarily be limited to, the following:

23
24 (1) Title and Signature Sheet, hereinafter "sheet 1."

25
26 (2) Building(s) and Lot(s) Relationship sheet, hereinafter
27 "sheet 2."

28
29 (3) Condominium Unit Location Sheets, hereinafter "sheet 3."

30
31 (b) Sheets 1 and 2 shall be prepared by the office of the Surveyor.

32
33 (c) At the discretion of the Surveyor, sheet 3 may be prepared by a
34 civil engineer registered in the District of Columbia provided, however, that
35 said sheet is prepared to the satisfaction of the Surveyor and in accordance
36 with his specifications.

37
38 (d) The Surveyor shall not initiate any survey of the condominium
39 project until the required fee (see C.O. 64-357, approved March 10, 1964,
40 as amended) has been paid to the D. C. Treasurer and a receipt therefor has
41 been filed in the office of the Surveyor.

42
43 (e) When the Surveyor is satisfied that all plats and sheets contain the
44 requisite information thereon, he shall then certify, approve, label, index
45 and preserve the same for record.

46
47 (f) All plats of condominium subdivisions shall comply with the following:

48
49 (1) All sheets shall be made on linen approved by the Surveyor.

50
51 (2) All sheets shall be of standard of seventeen (17) by twenty-
52 one (21) inches with a half (1/2) inch inked border; however, if necessary
53 to accommodate the project, the seventeen (17) inch side may be extended.

54
55 (3) The true bearings of the boundary lines shall be given in
56 degrees, minutes and seconds with their lengths in feet and decimal
57 parts of a foot.

58
59 (4) All building or buildings to be subdivided shall be located
60 by exterior dimension to a point of record.

1 (5) The square and lot(s) shall be numbered.

2
3 (6) All streets shall be identified.

4
5 (7) All building restriction lines shall be shown on all sheets.

6
7 (8) Each condominium unit shall be numbered and the dimension
8 of the finished interior surfaces of the condominium unit, together with
9 the elevations, from a fixed known point of the finished floor and ceiling,
10 shall be shown. The identifying number of each condominium unit on
11 the plat(s) shall conform to and be similar in all respects to the numbering
12 sequence on the declaration.

13
14 (9) All limited common elements shall be shown where applicable.

15
16 (10) Any other data necessary for the identification of the individual
17 condominium units and the general and limited common elements shall be
18 shown. Additionally, parking spaces shall, if a limited common element
19 and appurtenant to a unit, be numbered and related to such unit.

20
21 (g) If a condominium unit contains an undeveloped or unpaved patio area
22 as accessory and appurtenant to the unit, such will be set forth by means of
23 physical points or pipes around patio area and further defined on the plat.

24
25 Section 2.3 - Signators

26
27 (a) Upon completion of the plat of condominium subdivision and prior
28 to recording thereof, the plat shall be forwarded to the developer for his
29 certification and signature.

30
31 (b) The plat of condominium subdivision shall be signed in ink by the
32 developer in the presence of two witnesses and acknowledged before a notary
33 public.

34
35 (c) The plat of condominium subdivision shall contain an affidavit by
36 the developer executing the plat of subdivision to the effect that:

37
38 (1) He is the owner in fee simple of the property proposed
39 to be subdivided.

40
41 (2) He is in peaceful occupation thereof, subject to then
42 existing tenancies, if any.

43
44 (3) There are no suits or actions pending affecting the title
45 to said property; however, if such exist, they will be set forth in the
46 affidavit.

47
48 (4) The uses permitted for individual units by the declaration
49 and bylaws conform to the applicable laws and regulations of the
50 District of Columbia.

51
52 (d) In the event the property is encumbered, the assent of the trustee(s)
53 or parties secured must be shown on the plat, signed in ink.

54
55 Section 2.4 - Certification

56
57 (a) No plat of condominium subdivision may be recorded unless it
58 contains a certification by the Department of Finance and Revenue that:
59
60

(1) The developer whose name appears on the plat of subdivision is the owner of record of the property to be subdivided.

(2) Taxes, special assessments, and other public charges currently due against the property have been paid.

(b) When a subdivision is to be recorded during the first half of the fiscal year, the tax shall be paid for the half before allowing the subdivision to be recorded.

(c) When a subdivision is to be recorded during the second half of the fiscal year, the tax shall be paid for the entire fiscal year before allowing the subdivision to be recorded.

(d) No plat of condominium may be recorded unless it contains a certification by the Zoning Administrator that the uses permitted for individual units by the declaration and bylaws comply with the District of Columbia Zoning Regulations.

Section 2.5 - Recording of Plat

(a) Upon compliance with all provisions of this Part, the Surveyor shall approve for record all plats of condominium subdivision, which plats shall thereafter become the property of the District of Columbia.

(b) The plat shall be recorded and filed in the office of the Surveyor together with a certified copy of the declaration and bylaws.

PART III

Section 3.1 - Property Report: Required: Contents

Prior to offering for sale any condominium units in a condominium project, a developer must prepare a property report and shall certify by affidavit that all disclosures are true to the best of his knowledge and belief. The property report shall contain the following information about the condominium project:

(a) Name and address of the developer including, but not limited to, all partners of a general and/or limited partnership, all venturers of a joint venture, all officers and directors of a corporation and all stockholders of a corporation owning 10% or more of the stock of such corporation. (It is the intent of these regulations that all financial interests in the developer be disclosed to the extent practicable.)

(b) Names and addresses of the developer's attorney responsible for preparation of the condominium documents, the general contractor(s) responsible for the construction or renovation of the project, and the architects and engineers engaged by the developer for the preparation of the condominium documents and construction or renovation of the project.

(c) Complete description of the condominium project, including, but not limited to:

(1) Legal description of the condominium project real property.

(2) Map or plat showing size and dimensions of the condominium project together with all improvements, including recreational facilities, proposed future construction and location of streets and roads.

(3) Description of the condominium units offered and of all common

. 8 . of . 15 .

1 elements, general and limited.

2
3 (4) Description of all recreational facilities and other proposed
4 facilities within the condominium project and ownership status of all
5 such facilities.

6
7 (5) Location and ownership status of streets and roads in the
8 development.

9
10 (6) Projected completion dates for proposed construction, renovation
11 or conversion.

12
13 (7) Uses permitted for individual units by the declaration, by-
14 laws and applicable laws and regulations.

15
16 (8) Title report listing all restrictions of record and the condition
17 of title.

18
19 (d) A statement of all financial aspects of the condominium project,
20 including, but not limited to:

21
22 (1) Statement of financial plan for completion of project.

23
24 (2) Name of construction lender or the interim lender.

25
26 (3) Institution offering long term mortgage financing, if available,
27 and terms and conditions of such mortgage or deed of trust.

28
29 (4) Nature and extent of any protection of purchaser's deposits in
30 escrow accounts.

31
32 (5) Statement of sales prices, terms and conditions of sale including
33 estimated closing and settlement costs, taxes and expected special
34 assessments.

35
36 (6) Anticipated monthly payments for principal, interest, assessments
37 and taxes for a period of one year from the expected date of settlement,
38 as such payments relate to individual condominium units within the regime.

39
40 (e) Copies of all required legal documents including:

41
42 (1) Copy of proposed sales contract which must provide that in
43 the event that the improvements to be made by the developer are not
44 completed and settlement scheduled prior to the expiration of two years
45 after the date of execution of the sales contract, the purchaser shall have
46 the right, at his option, to terminate the sales contract and recover his
47 deposit thereunder, in which event the developer and the purchaser shall
48 be relieved of all obligations thereunder, except that the developer may
49 provide that the aforesaid two year period shall be subject to extension
50 in the event of acts of God, strikes, shortage of materials, failure of a
51 prior tenant to vacate the premises or other causes beyond the developer's
52 control.

53
54 (2) Copies of sample forms of deeds of conveyance.

55
56 (3) Copy of the declaration.

57
58 (4) Copies of all organization documents of the council of
59 co-owners.

60 (5) Copy of the bylaws and regulations of the council of co-owners.

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1 (6) Copy of any leases applicable to the condominium project.

2
3 (7) Copy of any management or maintenance contract.

4
5 (8) Schedule of ownership interest in the general and limited
6 common areas.

7
8 (f) Statement of management and expected operation of the condominium
9 project. The developer may not enter into any exclusive contract for management
10 or services of a condominium project or permit a clause in the sales contract
11 between a developer and prospective purchaser of a condominium unit that would
12 stipulate an exclusive management or services contract of three years after the
13 first condominium unit is sold or of a period of one year after said condominium
14 project is to be governed by the council of co-owners, whichever is longer.
15 The following shall also be furnished:

16
17 (1) Name of management agent, if any, and the services the
18 agent will perform.

19
20 (2) Length of term of management contract and charges and
21 circumstances under which the charges may be increased.

22
23 (3) Copy of estimated operating budget for the condominium
24 project projected for a period of one year from the expected date of
25 the first conveyance and occupancy of any of the units, to include
26 monthly payments to be prorated to each condominium unit for maintenance
27 and/or management of condominium property and charges for use of
28 recreational and other facilities. The developer will be held financially
29 responsible for any intentional misrepresentations in his budget analysis
30 and if the actual expenses exceed the estimated operating budget by
31 20% or more, it shall be presumed that there was intentional misrepresentation.
32 In particular, the operating budget shall include but not be limited to,
33 the following:

34
35 i) Operational Costs

36 Utilities

37 Heating Fuels

38 Janitorial Services

39 Trash and Garbage disposal

40 Ground and Building Maintenance

41 Maintenance and Operation of recreational and other facilities

42 Building Insurance

43 Elevator Maintenance

44 Sidewalks and Street Maintenance

45 Other fixed costs

46 Legal and Accounting services

47 Bookkeeping services

48 Management fees

49 Other management costs

50 Other operating costs

51
52
53 ii) Reserve Costs

54 Reserve for unexpected repair work, if any

55 Reserve for replacement and upkeep of common
56 area and facilities, if any

57 Reserve for improvements, if any.

58
59
60 (4) Method and timing of transfer of control over the condominium project

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1 to the resident council of co-owners, the council's relationship with
2 the developer, and the nature and extent of any interest retained by the
3 developer in the condominium project. The transfer of control to the
4 resident council of co-owners shall take place within 180 days after
5 the developer has conveyed 80% of the condominium units to bona fide
6 purchasers.

7
8 (5) Statement disclosing any relationship between the developer
9 and the management firm and their respective corporate officers and
10 controlling interests.

11
12 (g) In the case of a condominium project containing structures which
13 were wholly or partially occupied at any time before the recording of the
14 declaration, a report from a qualified licensed engineer stating the condition
15 and the rated life and expected useful life of the roof, foundation, external
16 and supporting walls, mechanical, electrical, plumbing and structural elements
17 and all other common facilities together with an estimate of repair and replacement
18 costs. There shall also be a list of any outstanding building code or other
19 municipal regulation or code violations issued by governmental authorities and the
20 dates the premises were last inspected for code or regulations compliance.

21
22 (h) Copies of the sales brochures and floor plans.

23
24 i) Details of initial prices, terms and options.

25
26 ii) Identity of selling agent.

27
28 iii) Itemized list of total estimated settlement costs.

29
30 (i) Each property report shall contain a detailed index to the contents
31 and on the first page the following warning in capital letters and bold face type:

32
33 "WARNING: ORAL REPRESENTATIONS ARE NOT BINDING ON THE
34 DEVELOPER. REFER TO THE PROPERTY REPORT FOR BINDING
35 REPRESENTATIONS."

36
37 (j) The property report and all attachments shall be made available for
38 inspection by the public in such place as may be designated by the Commissioner.

39
40 Section 3.2 - Filing; Registration; Warranty; Receipts

41
42 A developer or agent shall not enter into a binding contract or agreement
43 for the sale of any condominium unit until:

44
45 (a) A copy of the property report and any amendments and supplements
46 thereto have been given to the prospective purchaser.

47
48 (b) The prospective purchaser has been given an opportunity to read
49 the property report.

50
51 (c) A receipt signed by the prospective purchaser has been received
52 by the developer or agent acknowledging that the prospective purchaser has
53 received and has had an opportunity to review the property report. Receipts
54 shall be kept on file by the developer for a period of three years from the date
55 of signature by the prospective purchaser. Receipts shall be subject to
56 inspection by the Commissioner.

57
58 (d) A copy of the property report and any amendments and supplements
59 thereto shall be filed promptly upon preparation with the Commissioner and shall
60 be accompanied by a fee of \$

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1 (e) Upon receipt of the property report in proper form, the Commissioner
2 shall determine whether all required information is contained therein. Upon a
3 determination that all required information is contained in the property report, he
4 shall register the condominium project and issue a certificate of registration. The
5 Certificate of Registration shall contain a notice to the effect that the condominium
6 project shall be subject to annual inspection for compliance with all applicable
7 laws and regulations.

8
9 (f) The developer shall not enter into a binding contract or agreement for
10 the sale of any unit in a condominium project nor may he or his agent accept
11 deposits until the condominium project has been registered and a true copy of
12 the Certificate of Registration has been given to the prospective purchaser. The
13 prospective purchaser shall sign a receipt acknowledging that he has been given
14 and has read the Certificate and such Certificate shall be in possession of the
15 developer subject to inspection at a reasonable time by the Commissioner for a
16 period of three years from the date the receipt was taken.

17
18 (g) The developer shall post a bond or warranty satisfactory to the
19 Commissioner assuring that the roof, foundation, external and supporting walls,
20 mechanical, electrical, plumbing and structural elements and all other common
21 facilities, shall be repaired or replaced at the expense of the developer for a period of
22 one year from the date of conveyancy of 80% of the condominium units to bona fide
23 purchasers. A true copy of the warranty or bond shall be filed with the Commissioner.
24 The developer's responsibility to repair or replace the aforementioned common
25 facilities shall not include the cost of normal, routine maintenance, nor where
26 the damage or destruction of such facilities are caused by the negligence of the
27 condominium unit owners, nor where such damage or destruction of such facilities
28 are caused by natural catastrophies.

29
30 (h) It shall be unlawful for the developer after submitting the property
31 report to the Commissioner, to materially change the terms of the property report
32 without first notifying the Commissioner in writing of such intended change and
33 notifying all purchasers and prospective purchasers of such change. This notice
34 requirement of the developer shall extend to all purchasers and those prospective
35 purchasers who have a continuing and immediate interest in the prospective change
36 in the property report.

37 Section 3.4 - Cooling-Off Period

38
39 (a) The developer shall include in the contract of sale for each
40 condominium unit the following clause and its Spanish equivalent, which shall
41 read:

42
43 "Seller hereby grants to purchaser a period of fifteen days within
44 which to review the condominium documents made available to
45 purchaser pursuant to District of Columbia law and applicable
46 regulations. Notwithstanding any other provision of this agreement,
47 the purchaser may, at his election, by written notice to the seller,
48 send by registered mail (or personal delivery to the seller's office
49 during business hours) at any time prior to midnight local time of
50 the fifteenth day following the date the contract is signed by the
51 purchaser, terminate this agreement and the purchaser's entire
52 deposit shall be refunded and the parties hereto shall have no further
53 rights or liabilities under the agreement."

54
55 (b) The clause in the sales contract which provides for the fifteen
56 day cooling-off period must be located:

57
58 (1) either immediately above the purchaser's signature, or

59
60 (2) under a conspicuous caption entitled "PURCHASER'S
RIGHT TO CANCEL."

1 Section 3.5 - Escrow of Deposit

2
3 (a) Any deposit made in regard to any disposition of a unit, including
4 one upon a nonbinding reservation agreement, shall be held in escrow until
5 delivered at settlement. Such escrow funds shall be deposited in a separate
6 account designated for this purpose and any person receiving such escrow
7 funds may deposit them in an interest bearing account. Any deposit held for
8 longer than three (3) months shall, from that time, bear interest at the maximum
9 passbook rate permitted by law to be paid by a Federally insured savings and
10 loan association, which interest shall be credited to the purchaser at settlement,
11 or, if settlement is not made and the purchaser is entitled under law to return of
12 the deposit, the interest shall be paid over to purchaser with the deposit. If
13 settlement is not made and the purchaser is not entitled under law to the return
14 of the deposit, he shall not be entitled to the interest thereon.
15

16 Section 3.6 - Resale By Purchaser

17
18 (a) In the event of any resale of a unit by an owner other than the
19 original developer of the condominium project, such owner shall obtain from
20 the council of co-owners or its duly designated agent and furnish to the
21 prospective purchaser, prior to entering into a sales agreement the following:
22

23 (1) A statement as to whether the owner is current in his
24 payment of all charges and assessments for repairs and maintenance
25 of the condominium.
26

27 (2) A statement of any and all major repairs and replacement
28 expenditures currently anticipated by the council of co-owners and
29 by the management of the condominium project.
30

31 (3) A list of any outstanding building code or other municipal
32 regulation or code violations issued by governmental authorities and
33 the dates and premises were last inspected for code or regulations
34 compliance.
35

36 (4) A statement on the status and amounts of any reserve fund
37 and whether such are earmarked for any specified project by the council
38 of co-owners.
39

40 The council of co-owners or its duly designated agent and management
41 shall furnish this information upon written request of any unit owner within ten
42 (10) days of such request. The provisions of this section shall be embodied in
43 the bylaws.
44

45 Section 3.7 - Provisions Required in Bylaws

46
47 (a) The bylaws of the council of co-owners shall include, but not be
48 limited to, the following information:
49

50 (1) The legal right of the council to control the administration,
51 maintenance and repair of common elements; to govern the conduct of
52 owners of condominium units subject to the provisions of Section 5-914(a)
53 (6), D. C. Code, 1973 ed.; and to levy common charges upon such owners
54 to replace or alter portions of the condominium project.
55

56 (2) The manner of election of the governing groups and details
57 relating to their number, terms, powers and duties, removal and the
58 quorum required for meetings.
59

60 (3) Provisions for meetings of owners of condominium interests

-13 of 15

1 including the notices required for such meetings, and the rights
2 and powers of such owners.

3
4 (4) Provisions regarding the adoption and amendment of rules
5 and regulations.

6
7 (5) Percentages of votes required by the owners or the council
8 for all actions.

9
10 (6) Details concerning the operations and management of the
11 condominium by the council.

12
13 (7) Statement on the method and timing of transfer of control
14 over the condominium project to the council of owners, the council's
15 relationship with the developer, and the nature and extent of any
16 interest retained by the developer.

17
18 (8) The provisions of Section 3.6 of these Regulations.

19
20 (9) Provisions regarding adoption and amendment of the bylaws.

21
22 Section 3.8 - Notice Requirement to Tenants of Apartment Buildings to be Converted

23
24 Every occupant of a housing accommodation which the landlord seeks to
25 convert from a rental basis to a condominium shall be notified in writing 180
26 days prior to the conversion thereof. The landlord of such a housing accommodation
27 shall make to each occupant a bona fide offer of sale of the unit which he occupies,
28 and the tenant shall be afforded 60 days within which to accept. No occupant shall
29 be served with a 30-day notice to vacate until 150 days after he first received
30 notice of the landlord's intention to convert, nor shall the notice to vacate be
31 served prior to the expiration of the aforesaid 60-day period of receipt of the
32 tenant's written rejection of the bona fide offer of sale of the unit which he occupies,
33 whichever occurs first. This condition on the service of notice to vacate applies
34 only with respect to the attempt by the landlord to convert from a rental basis to
35 condominium status and in no wise restricts the right of the landlord to issue
36 such eviction notices as granted him by the Rent Control Regulations for the
37 District of Columbia (Regulation No. 74-20).

38
39 PART IV

40
41 Section 4.1 - Extention of Temporary Moratorium on the Conversion of Rental
42 Unit Property into Horizontal Property Regimes

43
44 After the effective date of this subsection 4.1:

45
46 (a) Neither the District Government, or any officer or employee thereof,
47 shall accept applications, plats or any other documents relating to the conversion
48 of residential units into a condominium pursuant to the Horizontal Property Act of
49 the District of Columbia.

50
51 (b) Neither the District Government, nor any officer or employee thereof,
52 shall perform any services in connection with the conversion of residential units
53 into a condominium pursuant to the Horizontal Property Act of the District of Columbia,
54 and this subsection shall apply, without limitation, to proposed conversions for
55 which applications, plats or other documents have been filed heretofore.

56
57 (c) Any notice to quit that has heretofore been served for the purpose of
58 converting a rental unit to a condominium pursuant to the Horizontal Property Act
59 of the District of Columbia shall be null and void as of the effective date of this
60 regulation.

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1 (d) Notwithstanding any other provision of this regulation, any owner
2 of residential rental property who is aggrieved by this regulation may apply to
3 the Commissioner or his designated agent for relief, including but not limited
4 to, exemption from the provisions hereof. Such application shall state, under
5 oath, specifically and in detail, the exact status of the property in question,
6 the hardship imposed by this regulation and the relief sought. The Commissioner,
7 or his designated agent, shall act promptly on such application, taking into
8 consideration, without limitation, the particular circumstances of the owner
9 including the level and stage of the owner's capital outlays and of the affected
10 tenants, and the stage of development of the proposed conversion, and shall
11 thereupon take such actions as in his judgment are right and proper in the
12 circumstances.

13
14 (e) If any provision of these regulations, or any section, sentence,
15 clause, phrase, or word or the application thereof, in any circumstances is
16 held invalid, the validity of the remainder of these regulations, and of the
17 application of any such provision, section, sentence, clause, phrase, or word
18 in any other circumstances shall not be affected thereby and to this end, the
19 provisions of these regulations are declared severable.

20
21 (f) The provisions of this subsection 4.1 shall terminate on May 31, 1975.

22
23 (g) This subsection 4.1 shall take effect immediately upon enactment.

24
25 PART V
26 ENFORCEMENT AND VALIDITY

27
28 Section 5.1 - Severability Clause

29
30 (a) If any provision of these regulations, or any section, sentence,
31 clause, phrase, or word or the application thereof, in any circumstances
32 is held invalid, the validity of the remainder of these regulations, and of the
33 application of any such provision, section, sentence, clause, phrase, or word
34 in any other circumstances shall not be affected thereby and to this end, the
35 provisions of these regulations are declared severable.

36
37 Section 5.2 - Prosecution and Penalty

38
39 (a) Criminal prosecution for violation of any of these regulations shall
40 be brought in the name of the District of Columbia in the Superior Court for the
41 District of Columbia by the Corporation Counsel. Any person who willfully
42 violates any provision of these regulations, or who willfully makes an untrue
43 or misleading statement of material fact to be stated therein, shall upon conviction
44 be punished by a fine of not more than \$300 or be imprisoned for not more than
45 ten (10) days.

46
47 (b) Failure by the developer to comply with these regulations shall, at the
48 option of a purchaser or prospective purchaser of a condominium unit, render the
49 contract of sale on such condominium unit null and void.

50
51 Section 5.3 - Effective Date

52
53 These regulations, except for subsection 4.1, shall become effective 30
54 days after enactment and shall apply to all condominium projects, irrespective of
55 whether the declaration and condominium plats have been recorded, subject to
56 the provisions of (a) and (b) hereafter.

57
58 (a) The Commissioner may, in his discretion, waive any requirement of
59 these regulations or grant time extensions for full compliance to any condominium
60

REGULATION 74-26

1 project that is in active sales . The developer of any such project requesting a
2 waiver and/or extension shall file with the Commissioner a statement setting
3 forth the status of the project and the reasons for the request.
4

5 (b) All condominium projects whose declarations and condominium plats
6 were recorded prior to the effective date of these Regulations shall file with the
7 Commissioner, in accordance with regulations to be promulgated by him, such
8 information, and in such form as he shall direct, as he shall deem appropriate
9 to carry out the purposes of these regulations.
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D.C. - 44
May 1967

Memorandum ● Government of the District of Columbia

TO: Sterling Tucker, Chairman
Housing and Urban Development
Committee

FROM: W. R. Compton *WRC*
Surveyor, D. C.

Department, Office of the Surveyor
Agency, Office:

Date: October 1, 1974

SUBJECT: Regulation Concerning Condominium Sales and Conversions in
the District of Columbia - Log 769

I have just had an opportunity to read your report to the Council Members dated September 24, 1974 regarding condominium conversions.

In reading the regulations we find in Section 2.3(d) an area which is of concern to this office in conflict with the procedure presently in operation. In our review of the drafts submitted to us in April and again in May of 1974 the wording reflected our procedure with respect to this section of the regulations. I discussed this matter with Mr. Feuer of the Corporation Counsel but he was unsure as to the reason for the additional wording. I also discussed this problem with Mr. Coleman of your staff who recommended that we bring this problem to your attention.

It is recommended that consideration be given to placing a period after the word "plat" and delete the rest of the sentence. The present procedure with regard to "trustees" or other "parties" has been that they sign the plat without witnesses or notary. All subdivision of lots and of condominium subdivisions have followed this procedure for many, many years. I am advised that if this section were not changed that it may be impossible to obtain the signatures as suggested in the regulations.

Mr. Coleman advised me that it would be possible, if you concur, that this minor change could be made before the final reading of the resolution.

Your consideration of this matter will be most appreciated and if I can be of any assistance or provide any information please let me know.

WRC:bp

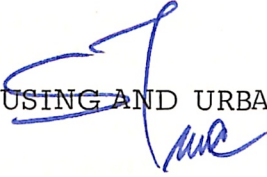
District of Columbia City Council Report

City Hall, 14th and E Streets, N.W.

Room 507

638-2223 or Government Code 137-3806

To COUNCIL MEMBERS

From STERLING TUCKER, CHAIRMAN, HOUSING AND URBAN DEVELOPMENT
COMMITTEE 

Date October 1, 1974

Subject Regulation Concerning Condominium Sales and Conversions in the
District of Columbia - LOG 769

Mr. Chairman and members of the Council, the Housing and Urban Development Committee presents for first reading a proposed regulation concerning condominium sales and conversions in the District of Columbia.

A comprehensive set of regulations regarding condominium conversions and sales was submitted to the Council by Mayor Washington and published in the D. C. Register on July 5, 1974. The proposed regulations were drafted with the intention of protecting all parties in condominium transactions, and for developing a logical and reasonable set of procedures for these transactions. Public review of the Mayor's proposal was conducted on July 18 and 19, 1974, when the HUD Committee and members of the Council heard testimony from thirty-six witnesses at public hearings. The proposed regulation before you today incorporates some aspects of the pertinent testimony presented at those hearings as well as some of the recommendations expressed in written communications received by the Council, subsequent to the hearings.

Up to now, experience with condominiums in the District has been relatively good. Abuses have occurred, as they do in all industries - but not to the degree experienced in other states, or even in some other jurisdictions of this metropolitan area. Nonetheless, there are problems for consumers, developers and the District of Columbia Government. The absence of control-type regulations removes the responsibility from the developer and the government, leaving it with the consumer.

Because of the limitations on our present legislative authority, the Council and the Executive Branch sought Congressional authority to immediately deal with the "Condo Conversion Craze". Although the new Council would have broad authority to promulgate legislation to change the present Horizontal Property Regime provisions of the D. C. Code, we found that immediate action was required to help ease the depletion of our already shrinking rental housing supply. Congress concurred in our request and through the leadership of Congressmen Diggs and Gude,

- 2 -

of the House District Committee, the Council was given the authority to institute a moratorium on conversions, through legislation signed into law on August 29, 1974, by President Ford. We immediately assumed this new authority and under our emergency powers, on August 30, 1974, we unanimously passed a regulation imposing a moratorium on the conversion of rental properties into condominiums. This regulation is for sixty (60) days and expires on October 29, 1974.

The legislation I am presenting today will address the condominium problem even more profoundly. I have said before, and I'm sure you agree, that the establishment of condominiums, whether through new construction or conversions, can be beneficial to the housing situation in our city, when done properly. The intent of this legislation is to provide protection to consumers from the undue hardships resulting from the shortage of housing in the city and the increased cost of such housing.

Because the whole matter of conversions is of such profound concern to our residents, and because this Council cannot enact more stringent controls on the conversions, the regulation presented today, includes a provision for a moratorium on conversions from the date of enactment to May 31, 1975. This date is logical in our view, because it is the expiration date of the Rent Control Regulation, No. 74-20. This is necessary to help maintain a "status quo" in the condominium conversion field until a more wide-ranged reform regulation regarding condominiums can be promulgated. There is, however, included in the proposal a provision for developers to seek relief from this moratorium, if they are aggrieved under certain conditions.

Even though the Council cannot dictate the course of legislative actions the new elected Council will pursue, the Committee is hopeful that work on a comprehensive condominium reform regulation will occur before the proposed approximate eight month moratorium expires. A study, currently being undertaken by the Department of Housing and Community Development, to give a clear picture of the condominium situation in the District is due the early part of next year. With this as an important base of information and from the numerous proposals offered by various sectors of the city as to how reform legislation for the control on conversions should take shape, I'm positive the new Council will develop legislation which reforms the Horizontal Property Regime provisions in the D. C. Code to benefit both buyers and sellers.

- 3 -

The proposed regulations offer protections for both buyer and seller, and set forth detailed procedures for the offering of condominium units for sale and the registering of documents with District Government offices. Full disclosure would be required on all aspects of negotiations which affect both the prospective buyer and the seller. This regulation will help to ease the occasional deceptions and misrepresentations and encourage the consumer to come into the condominium market with confidence. The great complexity of the legal documents which describe the condominium regimes often has led to misunderstandings, deceptions and abuses of the buyer-seller relationship. The legislation before you today is a means of alleviating this situation. In addition to the condominium conversion moratorium, the proposed legislation also includes provisions for:

- . Full disclosure of all aspects of the transactions which affect the buyer and seller.

- . A warranty from the developer to the buyer assuring that roof, foundation, mechanical, electrical, plumbing structural elements and all other common elements shall be repaired or replaced at developer expense for a period of one year from date of conveyance of unit.

- . A 180 day written notice period of intent to convert to condominium, with a 60-day period afforded to tenants to accept offer to purchase.

- . A 15 day "Cooling-Off" period in which a prospective purchaser can review documents.

- . Resale of individual units, once conversion has been completed and individual owners are in possession.

- . Enforcement and criminal penalties for willful violation of the provisions of the regulation.

Mr. Chairman, the proposed legislation I am presenting today is vital in this governments development of a comprehensive housing strategy for the city, and therefore, I move adoption of this regulation on first reading.

Attachment