

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

<p>HARRY GURAL Tenant/Petitioner,</p> <p style="text-align:center">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT Housing Provider/Respondent.</p>	<p>Case No.: 2016 DHCD TP 30,855</p> <p>3003 Van Ness Street, N.W. Apt. S-707 Administrative Law Judge: M. Colleen Currie</p>
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AFFIDAVIT OF HARRY GURAL

I, Harry Gural, declare under penalty of perjury as follows:

1. I am over twenty-one (21) years of age and make this Affidavit on personal knowledge and in support of the Tenant/Petitioner's Motion for Partial Summary Judgment in the above captioned case.
2. I am a tenant at 3003 Van Ness Street (the "Housing Accommodation").
3. I am the president of the Van Ness South Tenants Association ("VNSTA"), which represents tenants at the Housing Accommodation.
4. In my role as President of VNSTA, I have helped more than 60 tenants who have asked my help in dealing with the Housing Provider's demands for rent increases that substantially exceed the amount allowable by law.
5. Each of those tenants has told me that the Housing Provider sent them a rent increase notice listing their current rent as substantially higher than what they pay each month—in some cases, as much as \$1,500 per month higher.
6. Tenants tell me that they were pressured to sign a new lease and to pay a rent increase that is substantially more than the amount allowed under DC law.
7. Tenants have shared with me with me emails and other evidence that corroborates their claims. With their permission, I have shared this information with city official and members of the City Council. *True and accurate copies of 20 tenants' RAD-8 rent increase forms (with names redacted) are attached as Exhibit Q.*
8. To find out more about the Housing Provider's historical rent filings with the Rental Accommodations Division, I submitted a Freedom of Information Act (FOIA) on November 17, 2016. *A true and accurate copy of the request is attached as Exhibit O.*
9. I corresponded about my FOIA request via email with employees of the Rental Accommodations Division between November 17, 2016 and February 17, 2017. In those emails I requested expedited processing of my FOIA request. *See Exhibit R.*

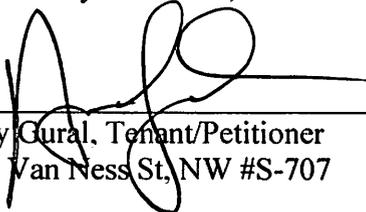
10. I received a partial set of documents on January 13, 2017 then received additional documents on January 14, 2017. The documents for the years 2013 through 2016 appear to be nearly complete. The documents for 2006 through 2012 are incomplete. *True and accurate copies of the Housing Provider's RAD-9 Forms received from the Rental Accommodations Division via the FOIA request are attached as Exhibits AA through EE.*
11. As a result of a Freedom of Information Act (FOIA) request, I found that for many years the Housing Provider has systematically reported rents to the Rental Accommodation Division that appear to be far above market rates. *True and accurate copies of the Housing Provider's RAD-9 Forms received from the Rental Accommodations Division via the FOIA request are attached as Exhibits AA through EE.*
12. Dozens of tenants have told me that when they first moved into the building they were caught in a "bait and switch." They report that the Housing Provider advertises apartments at rents consistent with market prices, but later requires tenants to sign leases listing a much higher "rent" – as much as \$1,500 higher. Tenants tell that leasing agents told them this is "required by DC rent control laws" or "just a formality." *See emails to three tenants attached as Exhibit U.*
13. To check residents' claims, I made screen shot of the Housing Provider's website on February 22, 2017. They show prices for one-bedroom apartments ranging from \$1,834 to \$2,198. *A true and accurate screen shot of the Housing Provider's home page on that date is attached as Exhibit P.*
14. The Housing Provider sends to Tenants a rent increase form (RAD-8) that lists two senders – the Housing Provider and the DC Department of Housing and Community Development. Many Tenants tell me that because this appears to be an official document they paid the high rent increase demanded or ended up paying a new rent substantially higher than what they later learned was the legal maximum. *See Exhibit Q.*
15. My personal experience confirms tenants' reports. In January 2015, the Housing Provider sent me a rent increase form listing my "current rent charged" as \$2,048. *A true and accurate copy of Form RAD-8 is attached as Exhibit E.*
16. My bank statement shows that at that time I was paying \$1,870 (\$1,770 rent plus \$100 parking) to Equity Residential on a recurring basis. A true and accurate copy of the Wells Fargo bank statement dated January 28, 2015 is attached as *Exhibit G*.
17. In January 2016, the Housing Provider sent me a rent increase form listing my "current rent charged" as \$2,118. *A true and accurate copy of Form RAD-8 is attached as Exhibit D.*
18. My Wells Fargo bank statement shows that at that time I was paying \$1,930 (\$1,830 rent plus \$100 parking) to Equity Residential on a recurring basis. *A true and accurate copy of the Wells Fargo bank statement dated January 28, 2016 is attached as Exhibit I.*
19. In 2015, I began rent negotiations with the Housing Provider via email sent on February 8. The Housing Provider attests that it submitted the final rent amount to the RAD on January 27—before negotiations began. In 2016, I began rent negotiations with the Housing Provider via email on March 13. The Housing Provider attests that it submitted the final rent figure to the RAD on February 2—before negotiations began. *True and accurate*

copies of the emails I sent to General Manager Avis Duvall on February 8, 2015 and on March 13, 2016 are attached as Exhibits K and L.

20. On March 18, 2016, I met with the Housing Provider's General Manager to negotiate rent for the year beginning April 1, 2016. We came to an agreement that I would pay \$1,895 per month. However, the General Manager told me that in order to get the negotiated monthly payment I would have to sign a new lease listing the rent as \$2,192. I refused to sign a lease with an incorrect figure listed as the rent. *See email discussing date of meeting – Exhibit L.*
21. In the spring of 2015, after an entire rental year in which the Housing Provider claims that I paid \$278 per month (\$2048-\$1,770) less than the "rent charged," the Housing Provider did not initiate legal proceedings against me.
22. A year later in April, 2016, after I refused to sign a lease listing the rent as \$2,192 when in fact I would pay \$1,895 per month, the Housing Provider filed suit against me in the Landlord and Tenant Branch of DC Superior Court. *A true and accurate copy of the Verified Complaint for Possession of Real Property dated is attached as Exhibit N.*
23. On February 12, I phoned several other Equity Residential properties in Washington DC that are subject to rent stabilization. Leasing agents at five of those properties report that they use "concession" leases—listing on leases rent amounts that exceed the monthly amount paid by tenants.
24. I have been told in multiple conversations with employees of the RAD that it does not verify rent amounts submitted by Housing Providers. This was confirmed in an email exchange with the Acting Rent Administrator. *A true and accurate copy of my email exchange with Acting Rent Administrator Keith Anderson on February 7 to February 10, 2016 is attached as Exhibit S.*
25. The RAD tells me it does not investigate rent filings even when a tenant can provide bank statements proving that the rent paid is far less than the amount the Housing Provider filed. The Acting Rent Administrator told me via email that the RAD has not conducted a single investigation in the past five years. *See Exhibit S.*

I hereby state under penalty of perjury that the foregoing statements are true and correct.

Respectfully submitted,



Harry Gural, Tenant/Petitioner
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March 3, 2017

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