

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

TP 26,195

In re: 1530 Rhode Island Avenue, N.E., Unit 504

Ward Five (5)

**WILLIE BYRD**

Tenant/Appellee/Cross Appellant

v.

**CLARA REAVES**

Housing Provider/Appellant/Cross Appellee

**ORDER ON MOTION FOR RECONSIDERATION**

August 8, 2002

**PER CURIAM.** On July 24, 2002, the Commission issued a decision and order for TP 26,195. The Commission's review of the record revealed the housing provider was not properly served with notice of the OAD hearing scheduled for October 15, 2001, as a result of a defective address for the housing provider initially furnished by the tenant in his tenant petition. The record of TP 26,195 closed on the date of the OAD hearing, October 15, 2001. On July 30, 2002, the tenant filed a timely Motion for Reconsideration of the Commission's decision in TP 26,195, dated July 24 2002.

The regulation, 14 DCMR § 3823.1 (1991), permits an adversely affected party to file a motion for reconsideration or modification to dispose of a decision issued by the Commission. In the instant case, the tenant asserts the following: 1) That he has documents from the housing provider with the rental office's address listed as both "1511 Rhode Island Avenue, N.E., and 1509 Rhode Island Avenue, N.E.;" 2) the housing provider stated 1511 Rhode Island Avenue, N.E., was not the rental office address; 3) the housing provider received notice of the hearing at

1511 Rhode Island Avenue, N.E., because she acknowledged notice at that address for a previous hearing when she telephoned the agency to reschedule a hearing on the matter set for May 2001; 4) the housing provider did not inform the tenant or the hearing examiner of any other address until the May 23, 2002 appellate hearing for the case; and 5) the housing provider's appeal was filed by Thomas Hope, who was not a party to the action filed by the tenant. Tenant's Motion for Reconsideration at 1.

In its decision and order, the Commission determined that 1511 Franklin Street, N.E., Washington, D.C. 20018 was the official registered address for the housing provider according to the housing provider's amended registration form filed with the Rental Accommodations and Conversion Division (RACD). See Byrd v. Reaves, TP 26,195 (RHC July 24, 2002) at 6-7. The Commission ruled that "[t]here is nothing in the record to indicate the Rescheduled Notice of Hearing was mailed to the housing provider's correct address stated in the official RACD record," and that by failing to serve the housing provider with notice, the housing provider was denied her Constitutional right to due process of law.<sup>1</sup> Id.

In the tenant's Motion for Reconsideration, he argues that the housing provider furnished him with documents stating the rental office address as both 1511 Rhode Island Avenue, N.E., and 1509 Rhode Island Avenue, N.E. In support of his argument, the tenant attached documents to his Motion for Reconsideration. However the regulation, 14 DCMR § 3807.5, provides, "[t]he Commission shall not review new evidence on appeal." In addition, "new evidence submitted post-hearing may not be admitted into the record and, therefore, may not provide a basis upon which an agency may issue a decision." Harris v. District of Columbia Rental Hous. Comm'n.,

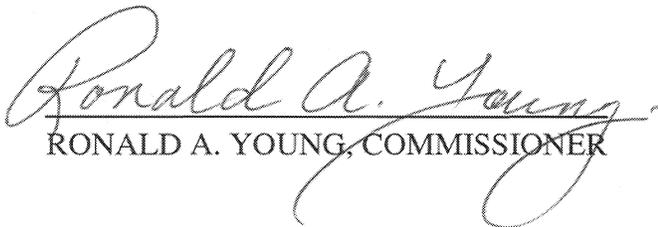
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<sup>1</sup> Black's Law Dictionary defines "due process of law" as "[a]n orderly proceeding wherein a person is served with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having power to hear and determine the case." Black's Law Dictionary 449 (5th ed. 1979).

505 A.2d 66, 69 (D.C. 1986) (citing Carey v. District of Columbia Unemployment Comp. Bd., 304 A.2d 18, 20 (D.C. 1973)). Therefore the Commission cannot consider any new evidence presented by the tenant in his Motion for Reconsideration.

Pursuant to 14 DCMR § 3823.2 (1991), a motion for reconsideration “shall set forth the specific grounds on which the applicant considers the decision and order to be erroneous or unlawful.” The tenant’s Motion for Reconsideration fails to introduce an argument regarding the Commission’s determination that the housing provider’s official record address is 1511 Franklin Street, N.E., Washington D.C. 20018. The tenant’s Motion also fails to address the Commission’s ruling that notice of the October 15, 2001 hearing was not properly served on the housing provider in accordance with the Act, D.C. OFFICIAL CODE § 42-3509.04(a)(3) (2001). Because the tenant has not specifically identified an error or unlawful basis upon which the Commission made its decision in TP 26,195, the tenant’s Motion for Reconsideration is denied.  
SO ORDERED.

  
RUTH R. BANKS, CHAIRPERSON

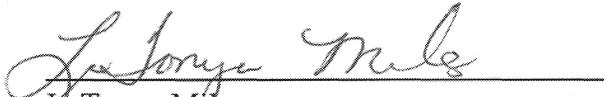
  
RONALD A. YOUNG, COMMISSIONER

## CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON MOTION FOR RECONSIDERATION in TP 26,195 was mailed by priority mail, with delivery confirmation, postage prepaid, this 8<sup>th</sup> day of August, 2002 to:

Willie Byrd  
1530 Rhode Island Avenue, N.E.  
Apartment 504  
Washington, D.C. 20018

Clara Reaves  
Thomas Hope  
1511 Franklin Street, N.E.  
Washington, D.C. 20018

  
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LaTonya Miles  
Contact Representative