

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,175

In re: 2145 California Street, N.W., Unit 204

Ward Two (2)

BARBARA A. NEGLEY
Tenant/Appellant

v.

PETER HUBLEY
Housing Provider/Appellee

ORDER ON SERVICE OF DOCUMENT

April 16, 2004

BANKS, CHAIRPERSON. This case is on appeal to the Rental Housing Commission from a decision and order issued by the Rent Administrator, based on a petition filed in the Rental Accommodations and Conversion Division (RACD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (1991) govern the proceedings.

I. THE PROCEDURES

On April 2, 2004, Barbara A. Negley, Tenant, filed in the Commission a motion for disclosure of the Housing Provider's letter dated December 3, 2003 to the Rent Administrator. Although the December 3, 2003 letter was addressed to the Rent Administrator, it was referred to the Commission, which already had jurisdiction of the

appeal of the Rent Administrator's decision. The Rental Housing Act of 1985 provides that appeals may be made to the Commission from the decisions of the Rent Administrator within ten (10) days of the Rent Administrator's decision. D.C. OFFICIAL CODE § 42-3502.16(h) (2001).

The Commission's responsive letter dated December 4, 2003 stated that it was in response to the Housing Provider's letter received one day earlier. The Commission's letter indicated that the Tenant was served a copy of its responsive letter. However, on April 2, 2004, the Tenant indicated that she did not receive a copy of the Housing Provider's December 3, 2003 letter. The Housing Provider did not oppose the motion.

II. THE COMMISSION'S ORDER

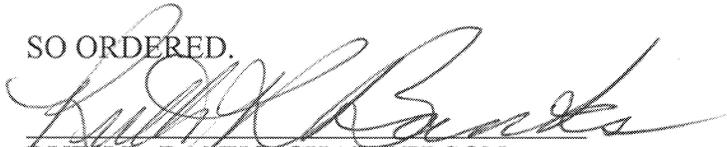
The Commission's rule, 14 DCMR § 3801.8 (1991), requires "[a]ll pleadings and other documents shall be served on the opposing party or parties prior to or at the same time as filed with the Commission and shall contain proof of service as required by §3803." See Kamerow v. Baccous, TP 24,470 (Jan. 28, 2000); cited in Assalaam v. Lipinski, TP 24,726 (Aug. 31, 2000). Similarly, the Rent Administrator has a rule, 14 DCMR § 3911.6 (1991), "[p]leadings, and other document[s] shall be served on the other parties prior to or at the same time as filed with the hearing examiner."

In addition, parties, who desire copies of documents in the Commission's files, may review the Commission's files, order copies of documents, and pay for them. Lane v. Nichole, TP 27,733 (RHC Apr. 15, 2004).

In this appeal, it appears that counsel for the Housing Provider failed to serve on the Tenant a copy of the letter dated December 3, 2003, that was mailed to the Rent Administrator and referred to the Commission. The Housing Provider's letter had the

notation, "cc: Mr. & Mrs. Hubley," who are the Housing Providers and clients of counsel. There is no reference on the letter of service to the Tenant. Accordingly, counsel for the Housing Providers is required to comply with the rules of both the Rent Administrator and the Commission, by serving a copy of the December 3, 2003 letter on the Tenant within ten (10) days from the date of this order.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER ON SERVICE OF DOCUMENT in TP 27,175 was mailed by priority mail, with confirmation of delivery, postage prepaid this 16th day of April, 2004, to:

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1050 17th Street, N.W.
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Washington, D.C. 20036-5596

Barbara A. Negley
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