

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,349

In re: 1921 Kalorama Road, N.W., Unit 402

Ward One (1)

JEANNE ZURLO
Tenant

v.

NATALIE MARRA
Housing Provider

**ORDER OF SETTLEMENT AND DISMISSAL OF COMMISSION INITIATED
REVIEW**

January 21, 2004

BANKS, CHAIRPERSON. On November 6, 2001, Jeanne Zurlo, Tenant, filed Tenant Petition (TP) 27,349. On September 30, 2002, the Rent Administrator issued a decision and order, which dismissed the petition for not stating a claim for which relief can be granted under the Act. Zurlo v. Marra, TP 27,349 (OAD Sept. 30, 2002) at 3. On November 4, 2002, the Commission initiated review of the Rent Administrator's decision pursuant to its powers under 14 DCMR § 3808 (1991). The Commission identified four (4) issues for review, and held a hearing on those issues on July 15, 2003. On January 16, 2004, the parties filed in the Commission a document stating, "this case ... settled and dismissed per the attached agreement."

Settlement of litigation is to be encouraged. The Court in Proctor v. District of Columbia Rental Hous. Comm'n, 484 A.2d 542 (D.C. 1984) required the Commission to consider: 1) the extent to which the settlement enjoys support among the affected

Tenants, 2) the potential for finally resolving the dispute, 3) fairness of the proposal to all affected persons, 4) saving of litigation costs to the parties, and 5) difficulty of arriving at prompt final evaluation of merits, given complexity of law, and delays inherent in administrative and judicial processes. Id. at 548. When a case is settled on appeal, the pending litigation will be considered moot, and further court action is unnecessary. Milar Elevator Co. v. District of Columbia Dep't of Employment Servs., 704 A.2d 291 (D.C. 1997). The Commission is required to review all settlement agreements that withdraw appeals, 14 DCMR 3824.2 (1991). Cited in Jefferson Hercules Real Estate, Inc., TP 27,478 (RHC Jan. 21, 2003); Kellogg v. Dolan, TP 27,550 (RHC Feb. 20, 2003).

This settlement was signed by both parties, and therefore is unanimously supported by the parties. The settlement resolves all disputes between the parties, in both the Small Claims Branch of the Superior Court and the issues pending in the Commission. The agreement appears to be fair, since the Tenant received settlement funds which appear to meet her demands and be reasonable to the Housing Provider. Settlement avoids more litigation costs for the Housing Provider (the Tenant is not represented), and the settlement avoids more delay in the administrative processes. Accordingly, the settlement is accepted by the Commission and the initiated review is dismissed.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991),

provides, “[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision.”

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), “[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals.” Petitions for review of the Commission’s decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court’s Rule, D.C. App. R. 15(a), provides in part: “Review of orders and decisions of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed ... and by tendering the prescribed docketing fee to the clerk.” The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER OF SETTLEMENT AND DISMISSAL OF COMMISSION INITIATED REVIEW in TP 27,349 was mailed by priority mail, with confirmation of delivery, postage prepaid this 21st day of January, 2004, to:

Lois R. Goodman
5712 Nebraska Avenue, N.W.
Washington, D.C. 20015-1222

Jeanne Zurlo
1718 M Street, N.W.
Unit 119
Washington, D.C. 20036



LaTonya Miles
Contact Representative