



GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE TENANT ADVOCATE



March 19, 2009

Mr. Garland Pinkston, Jr.
Clerk of the Court
District of Columbia Court of Appeals
Moultrie Courthouse
500 Indiana Ave., N.W.
Room 6000
Washington, D.C. 20001

No. 06-CV-1327: Tippet v. Daly

Dear Mr. Pinkston:

In my capacity as the Chief Tenant Advocate for the District of Columbia, I am writing to urge the Court to grant the appellant's petition for rehearing *en banc* in the above-referenced matter. I am very concerned about the implications of the Court's decision of February 5, 2009, in this case.

The effect of this decision is to shorten the time period that tenants have to respond to an offer of sale of the housing accommodation under the District's "Tenant Opportunity to Purchase Act of 1980" (D.C. Official Code §§ 42-3404.09 & 42-3404.10). It also *extinguishes* the tenant right of purchase in the event of a delay in mail delivery over which the tenant has no control.

Clearly, this is contrary to both the language of the law and the intentions of the DC Council – not only in light of the statutory provisions of particular relevance, but also the rule of statutory construction at D.C. Official Code § 42-3405.11. That provision compels the Court to "resolve ambiguity toward the end of strengthening the legal rights of tenants ... to the maximum extent permissible under law." Furthermore, by extinguishing tenants' rights for reasons beyond their control, the Court invites creative mischief on the part of the District's more unscrupulous housing providers to ensure that very outcome.

I respectfully urge the Court to grant the petition for rehearing *en banc* and to reconsider this flawed decision.

Sincerely,

Johanna Shreve,
Chief Tenant Advocate

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