

BLACKNALL v. D.C. RENTAL HOUSING COMMISSION, 544 A.2nd 710 (1988)

Court: D.C. Court of Appeals, opinion by Newman, A.J.

Judicial History: Tenants filed for review of a decision of the District of Columbia Rental Housing Commission which found that landlord fell within small landlord exemption from rent control.

Facts: Tenants challenged rent increases taken by their landlord, who claimed exemption from rent control due to the fact that they fell within the small landlord exemption of the Rental Housing Act of 1980. The tenants' petition was heard by a Hearing Examiner, who found that the housing accommodation contained four rental units and one office. Tenants appealed to the Rental Housing Commission (RHC), who held that where a landlord owns more than four units and uses one or more of them other than for other than for residential rental purposes, the property is not exempt. The landlord petitioned for reconsideration, and the RHC reversed itself. Tenants then brought this appeal.

Holding: The Court of Appeals held that the landlord fell within the small landlord exemption from rent control.

Reasoning: For purposes of the exemption from rent control of "any rental unit in any housing accommodation of 4 or fewer units," when a rental unit has been permanently removed from the market as a rental unit, it does not count in calculation of four units.

Decision: Affirmed.