

FORT CHAPLIN PARK ASSOCIATES v. D.C. RENTAL HOUSING COMMISSION, 649 A.2<sup>nd</sup> 1076 (1994)

Court: D.C. Court of Appeals, opinion by Wagner, C.J.

Judicial History: Housing provider appealed from the decision and order of the Rental Housing Commission which dismissed housing provider's capital improvement petition.

Facts: Fort Chaplain Park Associates (housing provider) sought review of the Decision and Order of the District of Columbia Rental Housing Commission (the Commission) which dismissed the housing provider's capital improvement petition. Housing provider contends that the Commission erred by reversing the decision of a Rental Accommodations and Conversion Division (RACD) hearing examiner, which found that the proposed capital improvements would protect or enhance the health, safety, and security of the tenants and the habitability of the housing accommodation.

Holding: The D.C. Court of Appeals held that the hearing examiner's decision that each of the improvements proposed by the housing provider would enhance the habitability of the housing accommodation should have been upheld.

Reasoning: Analysis of whether to grant housing provider's capital improvement petition must include, not only, determination that proposed item would increase the value or worth of the habitability of the housing accommodation, but also whether the proposed improvement would singularly, or in conjunction with other proposed improvements, serve to erode the availability of moderately priced housing.

Decision: Reversed.