

GOODMAN v. D.C. RENTAL HOUSING COMMISSION, 573 A.2nd 1293 (1990)

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

Judicial History: Tenant filed petition for review of decision of D.C. Rental Housing Commission (RHC) that landlord was entitled to claim small landlord exemption from rent stabilization.

Facts: Tenant sought review of a decision of the D.C. RHC holding that his landlord was entitled to claim exemption from rent stabilization under the "small landlord" provision of the Rental Housing Act. This section excludes from coverage "any rental unit in any housing accommodation of 4 or fewer units." Tenant also contended that he was denied the opportunity to present favorable evidence to the RHC, and that the landlord should not have been granted an exemption because he allegedly failed to give tenant the statutorily-required written notice, before the execution of tenant's lease, that the property was not subject to the provisions of the Rental Housing Act.

Holding: The Court of Appeals held that the RHC's finding that the basement unit of a five apartment building had been sufficiently removed from the market was supported by substantial evidence and, therefore, landlord was entitled to claim small landlord exemption from rent stabilization.

Reasoning:

- 1.) Landlord's basement unit had not been occupied for almost four years when tenant filed his petition claiming that landlord was not entitled to claim small landlord exemption and was thus not "vacant" or "temporarily withdrawn" from the market.
- 2.) Circumstances of case in which tenant claimed that landlord improperly claimed small landlord exemption from rent stabilization were not sufficiently exceptional to warrant D.C. Court of Appeals' consideration of issue of whether tenant received written notice of claim of exemption, an issue which tenant had failed sufficiently to preserve.

Decision: Affirmed.