

HAMPTON COURTS TENANTS ASSOCIATION v. D.C. RENTAL HOUSING COMMISSION, 573 A.2nd 10 (1990)

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

Judicial History: Landlord filed capital improvement petition requesting increase in rent, which was approved. Tenants appealed. The Rental Housing Commission (RHC) reversed but denied attorney fees to tenants. Tenants petitioned for review.

Facts: After landlord was granted a provisional rent increase in response to a capital improvement petition request, tenants filed timely objections to the Proposed Order granting the increase, and a hearing was held before the Rent Administrator. Tenants appeared for the hearing, but landlord did not. Tenants moved for dismissal based on landlord's absence. Rent Administrator denied the motion and proceeded with the hearing. The Rent Administrator granted the petition and tenant's appealed to the RHC. Tenants filed a Motion for Summary Reversal on the grounds that the housing examiner below erred by not granting tenants' motion to dismiss the proceeding for non-appearance of the landlord. The Commission granted the tenants' Motion for Summary Reversal, ruling that when the Rent Administrator conducts a hearing on objections to a proposed order, that hearing is a contested case with the proponent of the order, in this case the landlord, having the burden of proof and persuasion to establish entitlement to the increased rent. Since the landlord had failed to appear and present evidence, the RHC held that the Rent Administrator had committed error in denying the tenants' Motion for Summary Reversal. In addition to granting the tenants' Motion for Summary Reversal, the RHC awarded the tenants' attorney's fees, and landlord petitioned for reconsideration of the award of attorney's fees. In its Decision and Order on Reconsideration, the RHC granted the landlord's motion and vacated its previous order to the extent that it awarded attorney's fees to the tenants. Tenants then filed this petition for review.

Holding: The Court of Appeals held that a presumptive award of attorney fees created by attorney fee provisions of the Rental Housing Act applied in the case where tenants successfully resisted landlord-initiated capital improvement petition and received relief in the form of refund of increased rent charged by landlord as a result of initial approval of capital improvement petition by Rent Administrator.

Reasoning: Presumptive award of attorney fees created by attorney fee provision of the Rental Housing Act applies to prevailing tenants in both tenant-initiated and landlord-initiated proceedings.

Decision: Reversed and remanded.