

HANSON v. D.C. RENTAL HOUSING COMMISSION, 584 A.2nd 592 (1991)

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

Judicial History: Tenants appealed from decision of the Rental Housing Commission (RHC) that landlord had met “special circumstances” exception to requirement that a landlord file for “small landlord” exception. Landlord appealed from order of the Superior Court denying her motion for reconsideration of denial of release of funds paid into court registry pursuant to an action for possession.

Facts: In the first of these two consolidated appeals, the tenants appealed from a decision of the RHC that landlord had met the “special circumstances” exemption under the “small landlord” provision of the Rental Housing Act of 1980. They argued that the RHC should have dismissed landlord’s appeal from the Rental Accommodations and Conversion Division (RACD) of the Department of Consumer and Regulatory Affairs (DCRA) since the landlord failed to comply with the RHC’s regulations regarding the procedural requisites for filing an appeal. The tenants also contend that the RHC erred when it found that the landlord qualified under the small landlord provisions of the Rental Housing Act. In the second appeal, the landlord appealed from the denial of her motion for reconsideration of the denial of release of funds paid into the Landlord and Tenant Branch registry pursuant to an action for possession filed in the Landlord and Tenant Branch of the Superior Court. Since the Court’s affirmance of the RHC’s decision in the tenant’s appeal disposed of the issue presented in the landlord’s appeal, the Court remanded this case to the trial court to conduct a *McNeal* hearing on whether there existed code violations during the time a protective order was in effect to justify an abatement of the rent paid into the registry.

Holding: After consolidation of appeals, the Court of Appeals held that:

- 1.) regulations of the RHC do not require dismissal where party fails to file motion to stay prior to appealing;
- 2.) landlord met special circumstances exception to requirement that landlord must file for “small landlord” exemption with the rent administrator.

Reasoning:

- 1.) Rental Housing Commission was not bound to follow rules requiring motion to stay pending appeal since regulations were inconsistent with doctrine of primary jurisdiction.
- 2.) Landlord met special circumstances exception to requirement that landlord must file for “small landlord” exemption with the rent administrator, where landlord was not a real estate professional and had prepared lease by herself, without hiring a rental agent or attorney, and where she never received notice from District that she was required to file certificate of exemption.

Decision: Affirmed and remanded.