

JOYCE v. D.C. RENTAL HOUSING COMMISSION, 741 A.2<sup>nd</sup> 24(1999)

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

Judicial History: Landlord appealed Rental Housing Commission's (RHC) affirmance of Rental Accommodations and Conversion Division's (RACD) denial of her motion to vacate award to tenants, who alleged violations of the Rental Housing Act.

Facts: A hearing examiner of the Rental Accommodations and Conversion Division (RACD) awarded relief to tenants who had alleged violations of the Rental Housing Act by petitioner, a housing provider, under the Act. Petitioner took no appeal to the RHC within the ten days prescribed by law. Rather, she moved to vacate the examiner's decision and have it re-issued on the ground that she had not learned of the decision until after the time for appeal had expired. RACD denied petitioner's motion to vacate and RHC upheld the denial. Petitioner then brought this appeal.

Holdings: The Court of Appeals held that:

- 1.) RACD failed to comply with statutory procedure by which decisions are sent to parties by its mailing the decision by regular first-class mail;
- 2.) housing provider acted diligently to file her appeal with the RHC, though it was not filed within the 10-day period after the mailing of the RACD's decision, due to the RACD's mailing it by improper means to an old address; and
- 3.) it would not consider the merits of the RACD decision, absent a sufficient showing of bad faith by the RACD or the RHC.

Reasoning:

- 1.) RACD, by mailing decision of hearing officer by regular first-class mail, instead of by certified mail or other form of service which would assure delivery, failed to comply with the statutory procedure by which such decisions were served on parties, and thus, housing provider could not be held to the 10-day period within which to file an appeal to the RHC of a hearing examiner's decision, even if housing provider's letter to the RACD insufficiently apprised them of her change of address.
- 2.) Court of Appeals would not consider the merits of decision by the RACD to deny housing provider's motion to vacate award, in lieu of remand, on ground of the RHC's alleged bad faith in dismissing appeal as untimely without reaching the merits of the motion, absent a basis for imputing any such unprincipled conduct to the RHC or the RACD sufficient to relieve a party of the normal duty to exhaust administrative remedies as a condition of review by the court.

Decision: RHC reversed and remanded.