

KAPUSTA v. D.C. RENTAL HOUSING COMMISSION, 704 A.2nd 286 (1997)

Court: D.C. Court of Appeals, opinion by Mack, S.J.

Judicial History: Landlord challenged decision of Rental Housing Commission that he pay tenant amount landlord demanded in excess of rent ceiling, even though overcharged amounts were never collected, and petitioned for review.

Facts: Landlord rented an apartment to tenant under terms violative of a statute designed to stabilize rents in the District of Columbia (Rental Housing Act of 1985, D.C. Code Section 45-2501 – 2594 (1996)). Specifically, he rented the apartment for \$410 a month for nine months when the rent ceiling was \$200 a month; he received payment for only one month. A hearing examiner ordered landlord to pay his former tenant \$2004, a figure which represents the amount of money the landlord had demanded for the nine-month period. The examiner found that the landlord had failed to document his claim that he had filed the requisite rent increase forms justifying the rent charged. The Commission affirmed the hearing examiner's order and the landlord sought judicial review of the final agency decision.

Holding: Housing Commission's order for "rent refund" of money demanded that was never received comported with statutory language of Rental Housing Act.

Reasoning: Rental Housing Act was designed to stabilize rents and in establishing rent ceilings commands that violator shall be held liable for the amount by which the entire amount of money demanded, received or charged exceeds the applicable rent ceiling.

Decision: Affirmed.