

KENNEDY v. D.C. RENTAL HOUSING COMMISSION, 709 A. 2<sup>nd</sup> 94 (1998)

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

Judicial History: Tenants filed petition with Rent Administrator seeking refunds of excessive rents paid over three-year period. Hearing examiner dismissed petition under statute of limitations, and Rental Housing Commission affirmed. Tenants appealed.

Facts: Tenants association filed a petition with the Rent Administrator seeking refunds of excessive rents paid over a three-year period. The petition attributed the improper ceilings to an erroneously computed rent ceiling adjustment which, because of the statutory method for the annual updating of rent ceilings, resulted in incorrect and unlawful rent ceilings for all subsequent years. The landlord raised the statute of limitations defense under D.C. Code Section 45-2516(e), pointing out that the only disputed rent ceiling adjustment occurred more than three years before the petitions' filing and was thus unassailable. Tenants countered that the statute only served to limit their recovery to the excess rents paid over the three years preceding the petition. The hearing examiner agreed with the landlord that the statute of limitations barred the petition and dismissed it with prejudice, and the Rental Commission affirmed. Tenants then sought review with this court.

Holding: Statute of limitations for tenants' challenges to rent increases barred any investigations of validity of rent levels or rent ceilings, in place more than three years prior to date of filing of tenant petition.

Reasoning: In reviewing construction of statute by agency charged with its interpretation and enforcement, agency's interpretation is controlling unless it is plainly erroneous or inconsistent with statute.

Decision: Affirmed.