

KITCHING v. D.C. RENTAL HOUSING COMMISSION, 588 A.2nd 263 (1991)

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

Judicial History: Tenants' petitioned for review of decision of the Rental Housing Commission (RHC) upholding refund of certain rent overcharges but finding that voluntary rent increase agreement precluded any claim to rental refunds after agreement.

Facts: Tenants appealed a decision of the RHC which upheld a refund to the tenants of certain rent overcharges. The principal issue on appeal is whether the RHC properly held that a voluntary rental increase agreement entered into by the tenants precluded any claim to rental refunds subsequent to the effective date of the agreement.

Holding: The Court of Appeals held that:

1.) where first rent increase was improper and second increase builds upon first increase, amount of second increase is also improper, but that does not mean that no rental increase could ever be imposed, even if properly calculated, and;

2.) record was insufficient on appeal to show basis for determination by Commission that agreement to permit second increase was legally entered, thus requiring remand.

Reasoning:

1.) Record was insufficient on appeal to show basis for determination by Rental Housing Commission that agreement by 70% of tenants to permit second rent increase was legally entered, thus requiring remand for consideration of claim by tenants that 70% agreement was invalid because first increase included in base rent used to make calculations was incorrect.

Decision: Remanded.