

McCULLOUGH v. D.C. RENTAL HOUSING COMMISSION, 584 A.2<sup>nd</sup> 1244 (1991)

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

Judicial History: Rental Housing Commission (RHC) held landlord liable for treble damages for raising rent based on hardship petition when rental unit was not in substantial compliance with housing code, and landlord sought review.

Facts: In this case, in its second decade, with its third appearance in the D.C. Court of Appeals, the court was asked to review the RHC's decision holding housing provider liable for raising rent, based on a hardship petition, when the rental unit was not in substantial compliance with the housing code. RHC held, as a matter of law, that three violations cited by tenants had been regarded as substantial through the Rental Housing Act[s] of 1977 and 1980. The RHC remanded the case to the Rent Administrator for assessment of the refund and/or rollback due the tenants, and landlord appealed.

Holding: The D.C. Court of Appeals held that:

- 1.) RHC had authority to find that facts adduced before hearing examiner were insufficient as matter of law to support conclusion that housing code violations were not substantial, thus permitting landlord to increase rent on hardship basis;
- 2.) RHC's interpretation of prior law to construe ill-fitting windows and leaky roofs as substantial housing code violations, thus prohibiting landlord from implementing rent increase on hardship basis was not unreasonable, and would be sustained;
- 3.) RHC's interpretation of Rental Housing Act of 1980 to require exceptional circumstances to avoid treble damages for knowingly demanding or receiving rent for rental unit in excess of maximum allowable rent is reasonable.

Reasoning:

- 1.) RHC was responsible for interpreting and implementing the Rental Housing Act of 1977 and the Rent Control Act of 1980 and in that capacity was empowered to reverse rent administrator's decisions which did not conform to requirements of Acts.

Decision: Affirmed.