

MUDD v. D.C. RENTAL HOUSING COMMISSION, 546 A.2nd 440 (1988)

Court: D.C. Court of Appeals, opinion by Rogers, AJ.

Judicial History: The District of Columbia Rental Housing Commission (RHC) affirmed the Rental Accommodations and Conversion Division (RACD) award of treble damages against managing agent of rented premises for failure to provide "related" services. Management agent then petitioned for review.

Facts: Landlord rented to tenant, contrary to the wishes of owner who wanted to sell the premises. The property was in serious disrepair when landlord rented it, and despite repeated requests for repair by tenant, landlord failed to make repairs for seven to eight months. After a RACD hearing, the Hearing Examiner found that tenant had received no more than minimal shelter and awarded treble damages against landlord under a provision of the D.C. Rental Accommodations Act which allowed for the imposition of treble damages upon a finding that "related services" had been reduced or eliminated. The RHC affirmed the award against landlord, rejecting his contention that tenant had known of the condition of the property and took it "as is". Landlord then brought this appeal.

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

- 1.) Rental Accommodations Act did not unconstitutionally vest unbridled discretion in Rent Commissioner to impose treble damages without guidance, nor was statute unconstitutional on theory that landlords had no defense to imposition of treble damages, and;
- 2.) award of treble damages against rental agent who rented premises contrary to owner's direction to sell and then failed to correct serious deficiencies in rental property for more than eight months was not abuse of discretion.

Reasoning:

- 1.) Since statute required finding of willfulness before treble damages might be assessed, it was not unconstitutional on grounds that it failed to provide standards for exercise of Rent Commissioner's discretion.
- 2.) Assessment of treble damages against managing agent of owner who rented substandard premises to tenant contrary to owner's direction to sell premises and who failed to correct serious deficiencies in property for eight months was not abuse of discretion under statute permitting award of treble damages for elimination of "related" services to rental premises.

Decision: Affirmed.