

MULLIN v. D.C. RENTAL HOUSING COMMISSION, 747 A.2nd 135 (2000)

Court: D.C. Court of Appeals, opinion by Wagner, C.J.

Judicial History; Tenants sought review of Rental Housing Commission's (RHC) decision dismissing their claims challenging rent increase, due to their failure to comply with Commission's order requiring establishment of escrow account or purchase of supersedeas bond.

Facts: Intervenor N Street Limited Partnership ("N Street") filed a hardship petition with the Rental Accommodations and Conversion Division ("RACD") of D.C. Department of Consumer and Regulatory Affairs ("DCRA") to increase rent. The petition was approved by the Rent Administrator and tenants filed their "Exceptions and Objections". After a hearing, the increase was affirmed and tenants filed a motion for reconsideration, which was denied. Tenants appealed to RHC, which ordered tenants to establish an escrow account and pay the increased rent, or purchase a supersedeas bond. N Street sent a letter to RACD expressing its view that the Rent Administrator had no means of enforcing RHC's order and requested a hearing by the RHC. After the hearing, RHC dismissed tenant's appeal because they had not complied with the order to establish and pay into the escrow account the increased rent, or purchase a supersedeas bond, and tenants brought this appeal.

Holding: The Court of Appeals held that further proceedings were necessary for RHC to determine whether it had statutory or regulatory authority to dismiss tenant's claims.

Reasoning: Judicial deference to agency's interpretation of statute and implementing regulations which agency administers is not warranted when record is barren of any indication that the agency gave any consideration at all to the statutory or regulatory language or to the structure or purpose of provisions which were ostensibly being constructed.

Decision: Vacated and remanded.