

"N" STREET FOLLIES LIMITED PARTNERSHIP v. D.C. RENTAL HOUSING COMMISSION, 622 A.2<sup>nd</sup> 61 (1993)

Court: D.C. Court of Appeals, King, A.J.

Judicial History: Building owner petitioned for review of order of District of Columbia Rental Housing Commission finding that property currently was "housing accommodation" subject to Rental Housing Act.

Facts: Petitioner was the owner of a 20-unit building at 1755 N Street, N.W. One of the tenants renting a unit in petitioner's building, after being served with a 30-day notice to vacate on February 9, 1989, challenged the notice, alleging that it violated the Rental Housing Act of 1985, D.C. Code Section 45-2501 to 45-2594("the Act"). The Rental Accommodations and Conversion Division of the District of Columbia Department of Consumer and Regulatory Affairs ("RACD") held a hearing, in which petitioner alleged that its building was not a "housing accommodation", as defined in D.C. Code Section 45-2503(14), and that the Act's regulations were therefore not applicable. The Rental Housing Commission ("the Commission") affirmed the decision and order of RACD, concluding that petitioner had failed to establish that the current use of the premises excluded petitioner from coverage under the Act.

Holding: The Court of Appeals held that Commission reasonably interpreted Act to require owner seeking exemption to establish not only the transient use of property as of May 20, 1980, but also current transient use.

Reasoning: Rental Housing Act provided that "housing accommodation" does not include any hotel or inn with valid certificate of occupancy or any structure, including any room in structure, used primarily for transient occupancy and in which at least 60 percent of rooms devoted to living quarters for tenants or guests were used for transient occupancy as of May 20, 1980, as well as current transient use.

Decision: Affirmed