

TENANTS OF 1255 NEW HAMPSHIRE AVENUE, N.W. v. D.C. RENTAL HOUSING COMMISSION, 647 A.2<sup>nd</sup> 70 (1994)

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

Judicial History: Landlord sought substantial hardship rent increase. The District of Columbia Housing Commission rendered decision on petition and generally adhered to its prior remand order. After decision was entered on remand by rent administrator, tenants petitioned for review.

Facts: On February 8, 1990, the District of Columbia Rental Housing Commission held that Hamilton House Limited Partnership (HHLP), which operates the 304-unit Hamilton House apartment complex near Dupont Circle in northwest Washington, D.C., was entitled to a substantial hardship rent increase pursuant to D.C. Code Section 45-22(a)(1992), but remanded the case to the Rent Administrator for additional findings with respect to certain issues. The parties subsequently stipulated to the facts to which the remand related and, on May 22, 1992, the Rent Administrator issued an order, based on the stipulations, which resolved the remanded issues. Petitioners, the tenants of the complex, sought review of the Commission's 1990 decision, as implemented by the Rent Administrator's order.

Holding: The Court of Appeals held, inter alia, that:

1.) tenants' entitlement to review ripened only once rent administrator issued his decision on remand;

Reasoning:

1.) Rental Housing Commission's ruling on landlord's request for substantial hardship rent increase was not final order, subject to immediate judicial review, in view of Commission's adherence to its prior remand of case to rent administrator for further findings; instead, tenants' entitlement to review ripened only when rent administrator issued its decision on remand.

Decision: Vacated and remanded.