

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,928

In re: 2440 Carlton Avenue, N.E.

Ward Five (5)

MICHELLE JORDAN
Housing Provider/Appellant

v.

CHONDA SWAN
Tenant/Appellee

ORDER TO COMPLY WITH APPEAL RULES

January 12, 2004

BANKS, CHAIRPERSON. On December 17, 2003, the Rent Administrator (RA) issued the decision and order in Swan v. Jordan, TP 27,928 (RA Dec. 17, 2003). On January 9, 2004, Michelle Jordan, Housing Provider, filed a document in the Rental Housing Commission by mail as an attempt to file a notice of appeal. The document does not comply with the Commission's rules for filing an appeal from a decision and order by the Rent Administrator. Specifically, the document does not contain:


1. A statement of the case number, and telephone number of appellant, as required by 14 DCMR § 3802.5 (1991);
2. A certificate of service with the names and addresses of the parties or their counsel as required by 14 DCMR § 3803.7 (1991);
3. The original notice of appeal and four copies, as required by 14 DCMR § 3801.7 (1991); plus a fifth copy to be file stamped by the Commission and returned to the appellant in a self addressed and stamped envelope, as required by 14 DCMR § 3801.4 (1991);
4. The identity of the date of the decision as required by 14 DCMR § 3802.5(b) (1991); and

5. The identity of the status of the appealing party (housing provider or tenant) as required by 14 DCMR § 3802.5(a) (1991).

Since the document was filed within the period for filing an appeal, and it identified the alleged errors in the decision and order of the Rent Administrator, the Commission will allow the Housing Provider an extra ten (10) days from the date of receipt of this order to comply with its appeal rules. See Gardiner v. Charles C. Davis Real Mgmt. Realty, TP 24,955 (RHC Nov. 15, 2000) cited in Vicente v. Anderson, TP 27,201 (RHC Sept. 23, 2002).

The Housing Provider is urged to obtain a copy of Title 14 of the District of Columbia Municipal Regulations (DCMR) from the District of Columbia Office of Documents for further information on how to process an appeal in the Commission, and to have the regulations related to rental housing in the District of Columbia. The failure to comply with the Commission's appeal rules may result in dismissal of the appeal.

SO ORDERED.


RUTH R. BANKS, CHAIRPERSON

MOTIONS FOR RECONSIDERATION

Pursuant to 14 DCMR § 3823 (1991), final decisions of the Commission are subject to reconsideration or modification. The Commission's rule, 14 DCMR § 3823.1 (1991), provides, "[a]ny party adversely affected by a decision of the Commission issued to dispose of the appeal may file a motion for reconsideration or modification with the Commission within ten (10) days of receipt of the decision."

JUDICIAL REVIEW

Pursuant to D.C. OFFICIAL CODE § 42-3502.19 (2001), "[a]ny person aggrieved by a decision of the Rental Housing Commission ... may seek judicial review of the decision ... by filing a petition for review in the District of Columbia Court of Appeals." Petitions for review of the Commission's decisions are filed in the District of Columbia Court of Appeals and are governed by Title III of the Rules of the District of Columbia Court of Appeals. The Court's Rule, D.C. App. R. 15(a), provides in part: "Review of orders and

decisions of an agency shall be obtained by filing with the clerk of this court a petition for review within thirty days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed ... and by tendering the prescribed docketing fee to the clerk." The Court may be contacted at the following address and telephone number:

D.C. Court of Appeals
Office of the Clerk
500 Indiana Avenue, N.W., 6th Floor
Washington, D.C. 20001
(202) 879-2700

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ORDER TO COMPLY WITH APPEAL RULES in TP 27,928 was mailed by priority mail, with confirmation of delivery, postage prepaid this 12th day of January, 2004, to:

Michelle M. Jordan
14409 Dunstable Court
Bowie, MD 20721

Chonda Swann
2940 Carlton Avenue, N.E.
Washington, D.C. 20018



Constance Freeman
Clerical Assistant