

WINCHESTER VAN BUREN TENANTS ASSOCIATION v. D.C. RENTAL HOUSING COMMISSION, 550 A.2nd 51 (1988)

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

Judicial History: Tenants association challenged landlord's increase in rent. The D.C. Rental Housing Commission held for landlord, and association petitioned for review.

Facts: Landlord was authorized to increase the rent ceiling at an apartment complex on the basis of "capitol improvements" which had been made to the premises. The landlord was also eligible for an increase of general applicability based on a rise in the consumer price index. The tenants promptly filed a tenant petition, alleging that the landlord's attempt to implement two rent ceiling adjustments at one time was illegal. The Hearing Examiner agreed with the tenants and ordered the landlord to refund one of the rent increases. The Rental Housing Commission reversed the Hearing Examiner's decision, and tenants then filed for review.

Holding: The Court of Appeals held that statute prohibiting implementation of rent adjustment until 180 days have elapsed since any prior adjustment prohibits more than one increase in actual rent charged within 180-day period, but does not preclude single rent increase based on two separate permissible upward adjustments of rent ceiling.

Reasoning: Although statute prohibits more than one increase within 180 days in the rent actually charged, it does not preclude landlord from putting into effect more than one increase in the rent ceiling.

Decision: Affirmed.