



# RENTAL HOUSING APPEALS



Tenants and housing providers may file complaints under the Rental Housing Act of 1985 and the Security Deposit Act. If you are a party in one of those cases and disagree with the final decision you received, you may appeal the decision of the Office of Administrative Hearings (“OAH”) or the Rent Administrator to the Rental Housing Commission (“Commission”).

The complete rules of the Commission may be found at [14 DCMR Chapter 38](#). You must follow those rules. This document is only an overview of some of the rules.

## WHEN TO FILE

You must file an appeal with the Commission **10 business days** (Monday through Friday, except holidays) after the final order is issued. If the final order was sent to you only by **mail**, **5 calendar days** are added.

If a motion for reconsideration of the final order was filed with the OAH, you do not need to file an appeal until the motion is granted or denied. Motions may be automatically denied after 90 days; if this happens your time to appeal starts then.

## HOW TO FILE

The Commission’s office is open Monday through Friday, except holidays, from **8:30 am to 4:30 pm**, unless stated otherwise on <https://rhc.dc.gov>, and is located at:

**441 4<sup>th</sup> Street, NW  
Suite 1140B North  
Washington, DC 20001**

You may hand-deliver a notice of appeal to the Commission’s office during business hours or you may mail it to that address. There is no extra time if you choose to mail it.

You may email a notice of appeal to [rhc.clerk@dc.gov](mailto:rhc.clerk@dc.gov). Your notice must be attached as a **Word or PDF document**; do not write your appeal in the body of the email. Emails received after 4:30 pm are treated as filed the next business day. Late appeals may be dismissed.

You must **send the other party a copy** of your notice of appeal before or at the same time you file with the Commission.

## WHAT TO FILE

You need to tell the Commission and the other party why you are appealing the decision. You must make a **clear and concise statement of each issue** that you want the Commission to reverse. Page 3 describes the kinds of issues you might raise.

You do not need to explain your full argument in the notice of appeal; you will have an opportunity to do so later. The Commission and the other party need to be able to understand generally what you are appealing and why. Numbered headings or bullet point lists are acceptable and helpful for organizing your issues.



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## WHAT WILL HAPPEN

After you file a notice of appeal, the Commission will request the full record of your case from the OAH or Rent Administrator. You will be offered a chance to settle your case with the other party through mediation provided by the Commission's staff.

Like with the OAH, parties can file motions asking the Commission to do things, including dismiss the appeal. You should be ready to file motions or respond to motions from the other party.

After the record is received, the Commission will issue a scheduling order for both parties to file "briefs." This is your opportunity to make your full argument in writing about why the decision you received was wrong. You must stick to the issues that you listed in your notice of appeal. The other party will have the chance to respond in their own brief.

Briefs are usually written by lawyers and are most effective when they cite statutes, regulations, and past cases. You may want to seek assistance; a list of legal service providers is available (see page 3).

After the briefs are filed, the Commission will hold a hearing for both sides to present 20-minute oral arguments and for the judges on the Commission to ask questions. This is normally in person, but you may request a virtual hearing. A hearing does not need to be held if both parties agree to only submit written arguments.

After all the arguments are made, the judges on the Commission will consider the issues and write a decision. They may affirm or reverse the original decision on each issue you appealed, and they may send the case back, called "remand," to the OAH or the Rent Administrator to fix any mistakes.

This whole process can take many months. Rent refunds and rent increases will be put on hold while the appeal is pending. The Commission may order a party to put money in escrow or purchase a bond to be sure the money is available after a decision is issued. If an eviction lawsuit is pending, the Superior Court may require an escrow account or bond instead.

## AFTER AN APPEAL

When the Commission issues a decision, the case will either be remanded, or the decision will be final. If the case is remanded, the OAH or the Rent Administrator will need to issue a new decision, consistent with what the Commission said. That new decision can also be appealed to the Commission, but only on issues that come up after remand.

If the Commission's decision is final, any party that disagrees with it can file an appeal, called a petition for judicial review, with the D.C. Court of Appeals. That court will affirm, reverse, or remand the Commission's decision.



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## WHAT CAN BE APPEALED

*The Rental Housing Commission cannot give you legal advice. This general background is not a substitute for the advice of your own attorney. A list of legal service providers is available.*

You may want to file an appeal if you believe an error was made by the OAH or the Rent Administrator. An appeal is not a chance to argue the whole case again; you must show why the original judge made a specific mistake. Generally, the types of errors raised on appeal are either (1) procedural or (2) on the merits and may be (a) legal or (b) factual. Some issues may be a mix of more than one type of error.

Procedural errors mean that the judge did not follow the rules of litigation correctly and prevented you from fully presenting your case. This may include, for example, evidence that you weren't allowed to present or legal claims you weren't allowed to make.

For procedural issues, the Commission will usually defer to the original judge. You will need to show that the judge didn't follow the right rule or didn't give any reason for his or her decision.

Errors on the merits mean that the judge was wrong about who should have won the case based on the evidence presented or how much money should have been awarded. This may be because the judge misunderstood the law or because the judge got the facts wrong.

For legal issues, the Commission will make its own decision about what the law means, without deference to the original judge. These can be complex issues involving statutes, regulations, and past cases, or "precedent," that were decided by the Commission and D.C. Court of Appeals.

For factual issues, the Commission will usually defer to the original judge. Factual findings will only be reversed if there is no "substantial evidence" to support them. The Commission does not determine if witnesses were credible or take new evidence on appeal. The Commission may consider whether the right "burden of proof" was applied, meaning which party had to prove a fact to win the case.

For the Commission to reverse a decision, the errors you identify need to be important to the ultimate result. If you still would have lost the case without the error, it is called "harmless error," and the decision will be affirmed.

## MORE INFORMATION

You can contact the Rental Housing Commission by email at [rhc.clerk@dc.gov](mailto:rhc.clerk@dc.gov) or by phone at (202) 442-8949. The Commission's website is <https://rhc.dc.gov>.

You can find links to the Rental Housing Act of 1985, the implementing regulations, and the Commission's rules for appeals on the website. Past decisions are also available there or by contacting the Commission. A list of legal service providers is available there and from the Rental Accommodations Division of the Department of Housing and Community Development at <https://dhcd.dc.gov/service/rent-control>.