

**3806 ESCROW ACCOUNTS AND SUPERSEDEAS BONDS**

- 3806.1 While an appeal is pending before the Commission or a petition for review is pending before the District of Columbia Court of Appeals, in order to guarantee later payment of a disputed amount of money, any party may request that a party that has been ordered to pay a specific amount of money, including rent refunds, fines, or awards of attorney's fees, shall be required by the Commission to deposit the amount into an escrow account or obtain a supersedeas bond as a condition of the appeal or of a stay pending judicial review.
- 3806.2 At the same time a party seeking or intending to seek judicial review by the District of Columbia Court of Appeals requests a stay pursuant to § 3805.2, the moving party may request that an amount of money disputed in the petition for review be guaranteed for later payment by the means provided in this section.
- 3806.3 The Commission shall not issue any order respecting the ongoing payment of a disputed amount of rent pending appeal to the Commission or judicial review. If a matter involves a disputed amount of ongoing rent due, such as a rent rollback or approval of a housing provider's petition for a rent increase, a party may, in an appropriate proceeding, request the entry of a protective order by the Superior Court of the District of Columbia for the payment of all or part of the rent into the Court's registry in accordance with the Court's rules and on such terms as the Court may require.
- 3806.4 The Commission may, on its own initiative or motion of any party, order that the pursuit of any appeal or petition for review that, under § 3805, has the effect of staying a final order, be conditioned on a guarantee of later payment of an amount of money disputed in the appeal or petition for review, by the means provided in this section.
- 3806.5 If the Commission has ordered a party to provide a guarantee of later payment in accordance with this section, the Commission may dismiss an appeal filed by that party for failure to comply.
- 3806.6 An escrow account required under this section shall:
- (a) Be held by a bank or other financial institution within the District of Columbia;
  - (b) Pay the prevailing rate of interest;
  - (c) Be outside the control of the depositing party; and
  - (d) Not be released in any way other than as ordered by the Commission.

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- 3806.7 Within a time period established by order of the Commission, a party required to establish an escrow account under this section shall file a copy of the escrow agreement with the Commission and serve a copy on all other parties.
- 3806.8 The Commission may order that any escrow fees imposed by the bank or financial institution shall be paid or refunded by a party that does not prevail in an appeal.
- 3806.9 A party required to guarantee the later payment of a specific amount of money may obtain a supersedeas bond through a surety or other financial institution in the amount the party would otherwise be required to deposit into escrow, plus ten percent (10%), which shall be applied towards any interest that may accrue under § 3826.
- 3806.10 A party obtaining a supersedeas bond shall file a copy of the bond with the Commission and serve a copy on all other parties within the time period established under § 3806.7.
- 3806.11 Nothing in this section shall relieve a party of an obligation to pay interest in the amount that may be owed under § 3826 on an order to pay a rent refund or award of attorney's fees; provided, that any interest accrued in escrow shall be taken against that obligation first, and excess interest earned, if any, shall be refunded to the depositing party.
- 3806.12 An order pursuant to this section may be issued by a single Commissioner.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1341 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).