

3924 RECONSIDERATION OR MODIFICATION OF FINAL ORDERS

- 3924.1 Any party adversely affected by a final order of the Rent Administrator in a proceeding may file a motion for reconsideration or modification with the Rent Administrator within ten (10) business days of service of the order; provided, that an order issued on reconsideration is not subject to reconsideration.
- 3924.2 If any party files a motion for reconsideration or modification within the time provided in § 3924.1, the effect of the final order shall be stayed and the time for seeking review of the order by the Commission shall not start to run until either the Rent Administrator rules on the motion or the motion is denied automatically by the expiration of the time provided in §§ 3924.4 and 3924.5.
- 3924.3 A motion for reconsideration shall contain a short and plain statement of the specific grounds on which the moving party considers a final order to be erroneous or unlawful. Grounds for reconsideration shall be as follows:
- (a) The moving party failed to respond to a motion of another party or to respond to an order of the Rent Administrator, which resulted in a dismissal or denial of the party's position, and the party has good reason not doing so and would have presented an adequate claim or defense;
 - (b) The decision or order contains a clear mistake in the application of law;
 - (c) The decision or order contains a clerical mistake or clear mistake of the factual record;
 - (d) New evidence has been discovered that previously was not reasonably available to the moving party; or
 - (e) There has been a change in circumstances since the initiation of the petition or application that makes any relief provided by the decision impossible or inequitable.
- 3924.4 Within thirty (30) days of the filing of a motion for reconsideration, the Rent Administrator shall grant the motion, deny the motion, or issue an order enlarging the time for later disposition of the motion.
- 3924.5 Failure of the Rent Administrator to act in the time prescribed by § 3924.4 shall constitute a denial of the motion for reconsideration.
- 3924.6 A motion for modification shall contain a short and plain statement of a specific error that is typographical, numerical, or technical in nature.

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3924.7 The ten (10) business day time limit in which an appeal to the Commission shall be filed, as prescribed in § 216(h) of the Act (D.C. Official Code § 42-3502.16(h)) and § 3802.2 of this title, shall begin to run when a motion for reconsideration or modification is granted or denied.

SOURCE: Final Rulemaking published at 68 DCR 012634 (December 3, 2021).