

3800 GENERAL OPERATING PROVISIONS

- 3800.1 The Rental Housing Commission (“Commission”) shall establish, with the approval of a majority of its membership, internal operating procedures for the handling of the Commission’s business and the fair distribution of work among its members.
- 3800.2 The Commission shall be open for public business and the Clerk or a designee will be available to assist the public daily during regular business hours, except Saturdays, Sundays, legal holidays, furlough days, and other closed days, or days of delayed opening, as designated by the District of Columbia Government. The regular business hours of the Commission shall be determined by the Chairperson/Chief Administrative Judge of the Commission and posted at the Commission’s office and, as soon as practicable after any change, on the Commission’s website.
- 3800.3 For the purpose of Chapters 38-44 of this title, all references to “the Act” shall mean the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code §§ 42-3501.01 *et seq.*), and its amendments.
- 3800.4 A quorum of two (2) or more Commissioners shall be required for the Commission to take official action in the exercise or carrying out of its powers and duties under the Act, and official action shall be taken only by a vote of the majority of Commissioners present at a meeting on the record.
- 3800.5 For the purposes of § 3800.4, official action of the Commission shall not include the exercise or carrying out of the powers and duties delegated to the Chairperson/Chief Administrative Judge of the Commission by § 201a of the Act (D.C. Official Code § 42-3502.01a).
- 3800.6 Notwithstanding § 3800.4, an order issued in the course of an appeal may be issued in writing by a single Commissioner without a meeting on the record if:
- (a) The order dismisses an appeal or an issue on appeal for procedural reasons, including a failure to comply with the filing requirements for a notice of appeal, as provided in § 3802.16, for failure to appear at a hearing, as provided in § 3819.5, pursuant to a motion to withdraw an appeal under § 3824, including for approval of a settlement under § 3829, or for lack of jurisdiction;
 - (b) Any other section of this chapter specifically provides that an order may be issued by a single Commissioner; or
 - (c) The order otherwise relates to the process and management of the litigation of an appeal.

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- 3800.7 A meeting on the record shall be open to the public, except as permitted by law to be conducted in closed session, and shall be held at least two (2) business days after notice of the meeting is posted at the Commission's office at One Judiciary Square, 441 4th Street, N.W., Suite 1140B North, Washington, D.C. 20001, and on the Commission's website or the website of the Office of Open Government.
- 3800.8 A meeting on the record shall be recorded electronically in accordance with § 3820, and the recording of a hearing shall be part of the record of the case being heard. Copies of recordings, accompanied by any written materials upon which the Commission votes to take official action, shall be available on the Commission's website or the website of the Office of Open Government and for public inspection at the Commission's office. Copies of any written materials upon which the Commission will vote to take official action at a meeting shall be made available to the public within three (3) business days following the meeting. Recordings or written materials made or discussed in a closed meeting or closed portion of a meeting may be withheld from public availability in accordance with D.C. Official Code § 2-575(b).
- 3800.9 All orders of the Commission, including final decisions and orders, shall be issued in writing and made publicly available at the Commission's office, consistent with D.C. Official Code § 2-532, and on the Commission's website and may additionally be made by electronic database through other service(s) as the Commission may deem suitable.
- 3800.10 Amendments to the rules contained in Chapters 38-44 of this title shall be effective as follows:
- (a) The final rulemaking promulgated on December 3, 2021 to amend Chapters 38-44 of this title shall be effective on December 31, 2021 ("Effective Date");
 - (b) An appeal filed with the Commission prior to the Effective Date shall remain subject to the rules in effect under Chapter 38 on the date the appeal was filed;
 - (c) A petition or other proceeding before the Rental Accommodations Division that was filed or initiated prior to the Effective Date shall remain subject to the rules in effect under Chapter 39 or 40 on the date the proceeding was filed or initiated;
 - (d) An appeal to the Commission from a proceeding before the Rental Accommodations Division or Office of Administrative Hearings shall be subject to the rules in effect under Chapter 38 on the date the final order becomes appealable. If the Commission remands a proceeding, further proceedings before the Rental Accommodations Division shall be subject to the rules in effect on the date the proceeding was filed or initiated;

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- (e) The merits of a petition or application filed prior to the Effective Date shall be resolved by applying the rules in effect under Chapter 42 on the date the petition or application was filed; provided, that where a prior version of the rules is silent or ambiguous, the current rules shall be used as guidance; and
- (f) All conduct regulated or acts required by Chapters 41-44 of this title shall be subject to the rules in effect under those chapters on the date the conduct occurred or act was required, without regard to the date on which a petition or other proceeding is filed or initiated or a decision or order is issued. No claim of, cause of action against, or liability for a violation of the rules prior to the Effective Date shall be extinguished by the amendment of these rules. Failure to comply with those chapters after the Effective Date shall not be excused by reason that a course of conduct began or that a condition existed prior to the Effective Date.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021); as amended by Final Rulemaking published at 70 DCR 001710 (February 3, 2023).