

3926 SHOW CAUSE ORDERS

- 3926.1 A show cause proceeding may be initiated by the Rent Administrator after an investigation by the Rent Administrator has resulted in a determination that there are substantial grounds to believe that violations of the Act may have occurred.
- 3926.2 The investigation of possible violations of the Act may be conducted as a result of the review of the records of the Rental Accommodations Division, or the records of federal or District courts and agencies.
- 3926.3 Investigations of possible violations may also be conducted on the basis of complaints and allegations received orally or in writing by the Rent Administrator.
- 3926.4 If an investigation by the Rent Administrator finds substantial grounds to believe that possible violations of the Act have occurred, the Rent Administrator may prepare and serve an order to show cause on the alleged violator and file a copy with the Office of Administrative Hearings.
- 3926.5 A determination by the Rent Administrator, after an investigation, that there are no substantial grounds to believe a possible violation of the Act has occurred shall not preclude any person from seeking any relief to which they may be entitled under the Act in any forum, nor shall such a determination provide safe harbor or other defense to a person alleged to have violated the Act.
- 3926.6 An order to show cause shall state clearly the section of the Act or regulation that has allegedly been violated, along with a brief statement of the evidence found during the investigation that supports the determination that the alleged violation has occurred.
- 3926.7 An order to show cause shall also set forth the proposed corrective action that the Rent Administrator seeks or the sanction that the Rent Administrator seeks to have imposed upon the alleged violator, which may include a civil fine of up to five thousand dollars (\$5,000) per violation pursuant to § 901(b) of the Act (D.C. Official Code § 42-3509.01(b)).
- 3926.8 Notice of an order to show cause shall be served on the alleged violator, in accordance with the provisions of § 3911, on the same day as the order to show cause is filed with the Office of Administrative Hearings.
- 3926.9 At a show cause hearing, the burden of proof shall be upon the Rent Administrator, except claims or defenses for which the burden is shifted as provided by the Act, Chapters 41-44 of this title, or 1 DCMR Chapter 28 and 1 DCMR §§ 2920-2941.

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- 3926.10 A show cause hearing shall be conducted by the Office of Administrative Hearings consistent with the provisions of 1 DCMR Chapters 28 and 29.
- 3926.11 The issues in a show cause hearing shall be disposed of in a final decision and order of the Office of Administrative Hearings, which may be appealed to the Commission in accordance with Chapter 38 of this title.
- 3926.12 There shall be no intervenors as a matter of right in a show cause hearing.
- 3926.13 A request to intervene may be made by motion to the Office of Administrative Hearings in accordance with 1 DCMR § 2816.
- 3926.14 Affected housing providers, tenants, and other persons with relevant evidence shall be permitted to testify as witnesses at show cause hearings.

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