

**3916 EX PARTE COMMUNICATIONS**

3916.1 *An ex parte* communication is any oral or written communication that is:

- (a) To or by the Rent Administrator or staff of the Rental Accommodations Division;
- (b) Regarding the merits or factual substance of a particular case; and
- (c) Not made:
  - (1) In a filing that is also served on all required parties; or
  - (2) With reasonable prior notice and opportunity, under the circumstances, for all parties to be present for, to be a party to, or to be simultaneously made aware of the contents of the communication.

3916.2 *Ex parte* communications shall be prohibited unless:

- (a) The communication is specifically authorized by law;
- (b) The communication concerns administrative or procedural matters, and any reference to the merits is merely incidental; or
- (c) The communication is made in the course of another proceeding before the Rent Administrator to which the communication primarily relates and that is on the public record.

3916.3 *Ex parte* communications regarding a particular case shall be prohibited any time after the petition initiating the case has been filed with the Rent Administrator and until the time that all possible appeals of the case are completed.

3916.4 Any *ex parte* communication made in violation of this section that comes to the attention of the Rent Administrator shall be made part of the record, and the Rent Administrator shall provide an opportunity for rebuttal by other parties by serving each party with a copy of any such communication or a memorandum describing the communication, within five (5) days of the communication.

3916.5 If the Rent Administrator determines that a communication was knowingly made (or caused to be made) by a party acting in violation of this section, the Rent Administrator may, to the extent consistent with the interest of justice and applicable law, require the party to show cause why his or her claim or interest in the proceeding should not be dismissed, denied, or otherwise adversely affected.

## District of Columbia Municipal Regulations

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