

## **3922 INTERLOCUTORY APPEALS**

- 3922.1 An interlocutory appeal is an appeal taken by a party prior to the issuance of a final decision and order by the Rent Administrator in a proceeding.
- 3922.2 An interlocutory appeal shall be permitted only if the Rent Administrator certifies the issue for review by the Commission on his or her own initiative or by motion of any party to a proceeding before the Rental Accommodations Division.
- 3922.3 A party seeking review by interlocutory appeal shall file a motion for certification within ten (10) days of a ruling by the Rent Administrator. The Rent Administrator shall rule on the motion within ten (10) days following the filing of the motion.
- 3922.4 The Rent Administrator shall certify an interlocutory appeal only if he or she determines that the issue presented is of such importance in a proceeding that it requires the immediate attention of the Commission, and only if the following are shown:
- (a) The issue presented involves an important question of law or policy requiring interpretation of the Act or this title, and about which there is substantial basis for difference of opinion; and
  - (b) Either of the following applies:
    - (1) An immediate decision will materially advance the disposition of a petition, application, or complaint before the Rental Accommodations Division; or
    - (2) Refusal to make or issue an immediate ruling will cause undue harm to the parties or the public.
- 3922.5 If certification is denied, the ruling may be raised as part of an appeal of the final decision of the Rent Administrator or, if the case is later transferred to the Office of Administrative Hearings, the final decision of the Office of Administrative Hearing.

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