

## **3808 COMMISSION-INITIATED REVIEWS**

- 3808.1 After the time for any party to file a notice of appeal has expired pursuant to § 3802.2, the Commission may, within thirty (30) days, initiate a review of any final order of the Rent Administrator or the Office of Administrative Hearings if the Commission has reason to believe that the order may be erroneous in any material way.
- 3808.2 The Commission shall serve the parties and representatives of record, if any, who appeared before the Rent Administrator or the Office of Administrative Hearings, with its reasons for initiating a review (“Notice of Commission Review”).
- 3808.3 A Notice of Commission Review shall provide:
- (a) A clear and concise statement of any issue(s) that may have been erroneously decided by the Rent Administrator or Office of Administrative Hearings;
  - (b) A statement that the record will be requested in accordance with § 3804, and that a scheduling order will be issued in accordance with § 3802.9; and
  - (c) A statement regarding whether the final order is stayed in accordance with § 3805.
- 3808.4 The Commission shall provide each party the right to present arguments in accordance with § 3802. The party adversely affected by the issue(s) identified by the Commission shall be treated as the appellant, or the Commission may treat the issue(s) as cross-appealed.
- 3808.5 Any party may move at any time after the Commission has initiated a review to dismiss the review. A motion to dismiss shall not waive any right to relief that a party may have if the Commission does not dismiss the review and ultimately decides the issue in that party’s favor.
- 3808.6 Any party may move, prior to the due date of the initial brief, for summary affirmance or reversal of the final order.
- 3808.7 A Notice of Commission Review shall be issued only by order of a quorum of the Commission.
- 3808.8 The Commission shall reverse a final order under this section only where the Commission determines that the order contains an error of law or clearly erroneous findings of fact. Neither a party that prevailed before nor a party that was adversely affected by the decision of the Rent Administrator or Office of

## District of Columbia Municipal Regulations

Administrative Hearings shall bear the burden of proving that the order or the disposition of the issue should be affirmed or reversed.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1342 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).