

DISTRICT OF COLUMBIA OFFICE OF ADMINISTRATIVE HEARINGS

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Administrative Law Judge of the Office of Administrative Hearings (“OAH”), and the District of Columbia Rental Housing Commission, pursuant to the authority set forth in Section 8 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76, D.C. Official Code § 2-1831.05(b)(7)), and section 202(a)(1) of the Rental Housing Act of 1985, D.C. Law 6-10, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3502.02(a)) jointly give notice of the adoption, on an emergency basis, of the following amendments to Chapter 29 of Title 1 of the District of Columbia Municipal Regulations (DCMR).

These rules will modify the current requirement that a party who wishes to introduce into evidence a document filed with the Rent Administrator must provide either an original file stamped version or a copy certified by the Rent Administrator. The rules also contain a necessary conforming amendment to accurately reflect the transfer of the Rent Administrator’s office from the Rental Accommodations and Conversion Division of the Department of Consumer and Regulatory Affairs to the Rental Accommodations Division of the Department of Housing and Community Development. Because the Rent Administrator’s office has recently moved from 941 North Capitol Street, NE (the same building where OAH hears most rental housing matters) it will be significantly more burdensome for parties to obtain certified copies from the Rent Administrator’s office for use at an OAH hearing. Adoption of these rules on an emergency basis will eliminate that burden promptly. Therefore, adoption of these rules on an emergency basis is necessary to protect public health, safety and welfare.

These emergency rules were adopted on March 9, 2009, and became effective on that date. They will expire 120 days after their adoption, or upon publication of a notice of final rulemaking in the *D.C. Register*, whichever occurs first.

The Chief Administrative Law Judge and the Rental Housing Commission also give notice of their intent to take final rulemaking action to adopt these rules as an amendment to Chapter 29 of Title 1 DCMR not less than thirty (30) days from the date of publication of this notice in the *D.C. Register* in accordance with § 6(a) of the District of Columbia Administrative Procedure Act, D.C. Official Code § 2-505(a).

Section 2934 of 1 DCMR Chapter 29 is amended to read as follows:

2934 Rental Housing Cases: Admission into Evidence of Documents Filed with RAD

2934.1 Any party that wishes the Administrative Law Judge to consider a document concerning a rental housing accommodation that is on file with RAD must introduce a copy of that document into evidence. The Administrative Law Judge shall admit the document into evidence if he or she finds that it is an accurate copy of a document on file with RAD.

2934.2 A party can establish that a document is an accurate copy of a document on file with RAD by one of the following methods:

- (a) by providing a copy with a legible original file stamp;
- (b) by providing a copy with a legible copy of the original file stamp;
- (c) by providing a copy certified by the Rent Administrator or an authorized employee of RAD;
- (d) by providing testimony or other evidence that the Administrative Law Judge finds satisfactory; or
- (e) if all parties consent to the admission of the document into evidence.

Section 2999 of 1 DCMR Chapter 29 is amended by adding the following definition:

“RAD” means the Rental Accommodations Division of the Department of Housing and Community Development.

Comments on these proposed rules should be submitted in writing to Ms. Beverly Rivers, Esq., General Counsel, Office of Administrative Hearings, 441 4th Street, N.W., Suite 870-North, Washington, DC 20001-2714, within thirty (30) days of the publication of this notice in the *D.C. Register*. Copies of these proposed rules are available without charge at that address.