

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

HP 20,880

In re: 1773 Lanier Place, N.W.

Ward Two (2)

LANIER ASSOCIATES
Housing Provider/Appellant

v.

TENANTS OF 1773 LANIER PLACE, N.W.
Tenants/Appellees

ORDER ON MOTION FOR WITHDRAWAL OF APPEAL

March 5, 2014

YOUNG, COMMISSIONER. This case is on appeal to the Rental Housing Commission (Commission) from an order issued by the Rent Administrator, Department of Housing and Community Development (DHCD), Housing Regulation Administration (HRA), Rental Accommodations Division (RAD). The applicable provisions of the Rental Housing Act of 1985 (Act), D.C. Law 6-10, D.C. OFFICIAL CODE §§ 42-3501.01-3509.07 (2001), and the District of Columbia Administrative Procedure Act (DCAPA), D.C. OFFICIAL CODE §§ 2-501-510 (2001), and the District of Columbia Municipal Regulations (DCMR), 14 DCMR §§ 3800-4399 (2004) govern these proceedings.

I. PROCEDURAL HISTORY

On April 29, 2011, Lanier Associates, the housing provider (Housing Provider) of the housing accommodation (Housing Accommodation) located at 1773 Lanier Place, N.W., filed hardship petition (HP) 20,880, with HRA, RAD. The HP requested a rent increase for all of the

units in the Housing Accommodation sufficient to achieve a 12% rate of return on the Housing Provider's investment. On July 21, 2011, RAD issued its Order Denying Hardship Petition and Notice of Statutory Right to File Exceptions and Objections (Order Denying HP). R. at 530. On July 26, 2011, the Housing Provider filed both a motion for reconsideration, and Exceptions and Objections to the RAD Order. RAD did not respond to either the Housing Provider's motion for reconsideration or its Exceptions and Objections. On August 24, 2011, the Housing Provider filed a notice of appeal in the Commission. The Commission held its appellate hearing on October 23, 2012.

On February 27, 2014, the Housing Provider filed a document in the Commission with the title, "Housing Provider's Motion to Withdraw Notice of Appeal and to Dismiss Hardship Petition #20,880." (Motion). The Motion states

The Housing Provider, Lanier Associates, by and through undersigned counsel, hereby submits this Motion to Withdraw Notice of Appeal filed August 24, 2011, of the Decision and Order of the Rent Administrator dated July 21, 2011. The Housing Provider also respectfully requests that Hardship Petition #20,880 also be dismissed with prejudice. The parties have reached a resolution of all matters pertaining to this Petition.

Motion at 1. The Motion was signed by the attorney for the Housing Provider.

The Commission's rule, 14 DCMR § 3824.1 (2004), states that a party "may file a motion to withdraw an appeal pending before the Commission." The Commission must "review all motions to withdraw to ensure that the interests of all parties are protected." 14 DCMR § 3824.2 (2004). The Housing Provider's document is deemed a motion to withdraw appeal for purposes of the Commission's review.¹ The counsel for the Housing Provider states that the parties have reached a resolution of all matters pertaining to the hardship petition. When a case is settled on

¹ See Estate of Bertram Lee v. Susta Corp. Ltd., TP 24,692 (RHC June 2, 2000) where the Commission considered another document with the title "Withdrawal of Appeal" to be a motion to withdraw the appeal pursuant to 14 DCMR § 3824 (2004).

appeal, the pending litigation will be considered moot, and further court action is unnecessary.

Milar Elevator Co. v. D.C. Dep't of Emp't. Servs., 704 A.2d 291 (D.C. 1997).

Accordingly, the motion to withdraw the appeal, with prejudice, is granted.

SO ORDERED



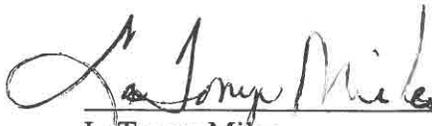
RONALD A. YOUNG, COMMISSIONER

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **Order on Motion to Dismiss Appeal in HP 20,880** was mailed postage prepaid by first-class mail this **5th** day of **March, 2014**, to:

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