

**DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION**

RH-TP-06-28,366

RH-TP-06-28,577

*In re:* 301 G Street, S.W.

Ward Six (6)

**AMERICAN RENTAL MANAGEMENT COMPANY**

Housing Provider/Appellant/Cross-Appellee

v.

**ARLENA CHANEY, et al.**

Tenants/Appellees/Cross-Appellants

**ORDER ENLARGING TIME FOR RECONSIDERATION**

December 23, 2014

**McKOIN, COMMISSIONER.** On December 12, 2014, the Commission issued its Decision and Order in these consolidated cases, affirming the determination of the Administrative Law Judge (ALJ), with one correction for plain error. *See* Decision and Order at 1-67. On December 19, 2014, Arlena Chaney, the sole Tenant/Petitioner in RH-TP-06-28,366 and the president of the New Capitol Park Towers Tenant Association (Association), which represents sixty-seven (67) tenants, including Ms. Chaney, in RH-TP-06-28,577 (collectively, Tenants), filed Tenants/Appellees/Cross-appellants' Motion for Reconsideration (Motion for Reconsideration).

The Commission's rules provide that: "Within fifteen (15) days of filing of [a] motion [for reconsideration], the Commission shall grant the motion, deny the motion or enlarge the time for later disposition of the motion." 14 DCMR § 3823.3 (2004).<sup>1</sup> The rules further provide

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<sup>1</sup> See also 14 DCMR § 3816.6 (Computation of Time) ("The Commission, for good cause shown, may enlarge the time prescribed, either on motion by a party or on its own initiative[.]")

that, if the Commission does not act within fifteen (15) days, the motion will be automatically denied. 14 DCMR § 3823.5.<sup>2</sup> The Commission's rules also provide that a party may file an opposition to any motion within five (5) days of service of that motion. 14 DCMR § 3814.3 (2004).

The Commission's rules for the computation of time provide, in relevant part, as follows:

3816.1 In computing any period of time prescribed or allowed under this chapter, the day of the act, event, or default from which the designated time period begins to run shall not be included.

3816.2 The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or a legal holiday.

3816.3 When the time period prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

3816.4 Legal holidays shall be those provided in D.C. Official Code § 1-612.02 (2001).

3816.5 If a party is required to serve papers within a prescribed period and does so by mail, three (3) days shall be added to the prescribed period to permit reasonable time for mail delivery.

14 DCMR § 3816 (2004). The Commission determines, accordingly, that its time to act on the Motion for Reconsideration will expire on Monday, January 5, 2015. *See* 14 DCMR § 3816.2, .3.

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<sup>2</sup> 14 DCMR § 3823.5 specifically states: "Failure of the Commission to act pursuant to § 3823.3 shall constitute a denial of the motion for reconsideration or modification."

The Commission further observes, however, that, due to the legal holidays on December 25, 2014,<sup>3</sup> and January 1, 2015, and pursuant to the different computation of time for prescribed deadlines of ten (10) days or less under 14 DCMR § 3816.4, the Housing Provider/Appellant/Cross-Appellee American Rental Management Company (Housing Provider) is permitted to file an opposition to the Motion for Reconsideration at any time until Friday, January 2, 2015. Because the Commission's fifteen-day (15-day) deadline to act on a motion for reconsideration is not extended by weekends and legal holidays, except where the final day is a weekend or legal holiday, the Tenants' Motion for Reconsideration could be automatically denied on the following Monday in the absence of Commission action. *See* 14 DCMR §§ 3816.1, 3823.5. Additionally, the Commission notes that, coincidentally, January 2, 2015, is the final day on which the Housing Provider may file its own motion for reconsideration of the Commission's December 12, 2014, Decision and Order in these cases. *See* 14 DCMR § 3823.3.

The Commission, on its own motion and in reasonable exercise of its discretion, determines that the proximity of the filing and decision deadlines that results from the Christmas and New Year's holidays and the rules' different treatment of deadlines greater than ten (10) days, in addition to the limited workdays for the Commission and its staff, constitute good cause to enlarge the time for disposition of the Motion for Reconsideration. *See* 14 DCMR §§ 3816.3, .6, and 3823.3, .5.

Accordingly, the Commission hereby enlarges the time for its issuance of an order on the Motion for Reconsideration from January 5, 2015, to January 20, 2015.

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<sup>3</sup> The Commission also notes that, by memorandum dated December 15, 2014, the Mayor announced the closure of District government offices on December 26, 2014, although the Commission's rules do not exclude such days from the computation of the time by which a party must act. *See* 14 DCMR §§ 3816.2-.4

**SO ORDERED**

A handwritten signature in cursive script, reading "Claudia L. McKoin". The signature is written in dark ink and is positioned above a horizontal line.

CLAUDIA L. MCKOIN, COMMISSIONER

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing **DECISION AND ORDER** in RH-TP-06-28,366 and RH-TP-06-577 was mailed, postage prepaid, by first class U.S. mail on this **23<sup>rd</sup>** day of **December, 2014**, to:

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