



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
RENTAL HOUSING COMMISSION**

February 24, 2025

The Honorable Robert White
Chairperson, Committee on Housing
Council of the District of Columbia
1350 Pennsylvania Ave, NW
Washington, DC 20004

SUBJECT: The Rental Housing Commission’s responses to pre-hearing questions for performance oversight

Dear Chairperson White:

The Rental Housing Commission (“Commission”) has received your questions in preparation for the annual performance oversight hearing scheduled for March 3, 2025 at 9:30 am. As you requested in your January 28, 2025 letter, the Commission’s responses to your questions are attached below. These answers are being sent by email, and supporting charts and documents are attached to that email.

The Commission looks forward to discussing with the Committee and its Members our performance, goals, and outcomes for FY 24 and FY 25. We will provide the Committee with addendums, clarifications, and edits to these answers as additional information may be required.

If you have any further questions or would like any additional information, please contact me at adam.hunter@dc.gov or (202) 442-8949.

Thank you,

Adam R. Hunter
Chair and Chief Administrative Judge
Rental Housing Commission

GENERAL QUESTIONS

1. Please provide the agency's mission statement.

The Rental Housing Commission's mission is to ensure the fair and effective implementation of the District of Columbia's rent stabilization and tenant rights laws by publishing clear legal guidelines and resolving appeals in disputed cases.

2. Please list any statutory mandates that the agency lacks sufficient resources to fully implement.

Pursuant to the Act, "The Rental Housing Commission shall employ the staff necessary to carry out its functions [including] ... 3 shall be law clerks who shall assist each member of the Rental Housing Commission in the preparation of decisions and orders." The agency does not have sufficient resources to implement this statutory mandate.

3. Please list all reporting requirements in the District of Columbia Code or Municipal Regulations that the agency is required to complete in FY 24 and FY 25, and their mandated due dates. For each report whose due date has passed, list the date reporting was completed. If the agency did not produce the report on the mandated timeline, please explain why.¹

Annual Adjustment of Rent

The Commission is required to certify and publish before February 1 (as of FY 24; previously March 1) of each year: the annual adjustment of general applicability of the rent charged for a rental unit under D.C. Official Code § 42-3502.06; the most recent annual cost-of-living adjustment of benefits for social security recipients established pursuant to § 415(i) of the Social Security Act, approved August 28, 1950 (64 Stat. 506; 42 U.S.C. § 415(i)); the maximum annual rent adjustment that may be imposed on a unit occupied by an elderly tenant or tenant with a disability pursuant to D.C. Official Code §42-3502.24(a); and the qualifying income for an elderly tenant or tenant with a disability to be exempt from an adjustment in the rent charged pursuant to D.C. Official Code §§ 42-3502.10,42-3502.11, 42-3502.12, and 42-3502.14 and whose rent charged may not be increased under D.C. Official Code § 42-3502.15.

The 2024 certification was published in the *D.C. Register* on January 12, 2024.

The 2025 certification was published in the *D.C. Register* on January 17, 2025.

Annual Report

The Chairperson is required to issue and transmit to the Mayor and the Council an annual report not later than 90 days after the close of the first complete fiscal year of the

¹ Question 46 calls for additional details around compliance with DC Code § 42-2802(d)(9). Please feel free to include a cross-reference to that response as part of your response to this question, instead of providing the same information twice, as long as all details requested in both questions are fully addressed.

Commission's operation as an independent agency, and each fiscal year thereafter, on the operations of the Rental Housing Commission. The FY 23 report was transmitted January 23, 2024 in FY 24. The FY 24 report was transmitted December 31, 2024 in FY 25.

4. Please list and describe any regulations promulgated by the agency in FY 24 or FY 25, to date, and the status of each.

Eviction & Screening. The Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022 (D.C. Law 24-115) took effect in May of 2022, amending, among other things, Title V of the Rental Housing Act. This new law made substantial changes to how notices to vacate and evictions must be sent to tenants and added new provisions on how housing providers may screen potential tenants. In June 2022, the Commission sent a request for proposals to stakeholders who had previously commented on the comprehensive rulemaking, identifying several potential issues that might be clarified in a rulemaking. A first proposed rulemaking was published in FY 23. The Commission reviewed the public comments received. At that time, the Council was considering, and ultimately enacted, the Fairness in Renting Clarification Amendment Act of 2023 (D.C. Law 25-65). These statutory clarifications required further changes to the rules that had been proposed.

The Commission published a second notice of proposed rulemaking on March 29, 2024 (FY 24), incorporating public comments and legislative changes. The Commission considered public comments that were received during the 30-day comment period. On November 29, 2024 (FY 25), the Commission published a third notice of proposed rulemaking, incorporating the public comments and other clarifications. The public comment period closed on January 6, 2025, and the Commission is currently reviewing those comments to determine if further proposed changes are appropriate or if a final rulemaking can be published.

As noted below, the Commission expects to undertake an additional rulemaking in FY 25 related to recent legislative changes.

5. Please explain any significant impacts on your agency of any legislation passed at the federal or local level during FY 24 and FY 25, to date.

The Commission will be impacted by the passage of the Fairness and Stability in Housing Amendment Act of 2024, projected law date May 22, 2025 (D.C. Act 25-694) ("Fairness and Stability Act"). That law, most significantly, expands the time to file an appeal with the Commission from an adverse decision of the Office of Administrative Hearings ("OAH"). The Commission's access to justice initiatives include working with OAH to

assure parties, particularly those without attorneys, are fully apprised of their rights to appeal, and this will better ensure that parties can make an informed decision about filing an appeal. The Commission expects that this extended period will have some impact on the number of appeals filed.

Additionally, the Fairness and Stability Act makes several changes to the voluntary agreement provisions of the Rental Housing Act. Those changes primarily offer clarification and further legislative support for the rulemaking the Commission published in 2021, while voluntary agreements were under a moratorium, but some of the changes also will require rulemaking to conform the rules to the statute. The Commission is reviewing currently reviewing those changes and the current regulations and hopes to publish a proposed rulemaking as soon as possible after the effective date of the Fairness and Stability Act.

6. Last year, the agency identified goals using the Specific, Measurable, Achievable, Relevant, and Time-bound (SMART) framework.²

a. What is the status of each of these goals?

The Commission is on track to completing the training goal with 100% participation of all Commission employees receiving training. The Commission is on track to publishing 3 plain language guidance. The Commission is currently averaging 421 days per decision which is a moderate increase from last year.

b. For any goal that is not on track for completion, please explain why.

The increase in the number of days is due to a multi-year legacy cases that have been resolved. Currently, the Commission has two companion cases that have yet be resolved. They are outliers based on complexities of the matters, the multi-decade time frame of the case, and the unusual and protracted procedural history. The Commission is on track to have all pending legacy cases resolved within the fiscal year. Discounting the one outlier case decided so far in FY 25, the current average is 356 days.

c. Does the agency propose to update or replace any of its SMART goals for 2025?

For the first SMART goal, time to issue decisions, the Commission proposed to change from setting a specific number of days as the goal to targeting an overall reduction in the time from the previous year. Moreover,

² They were to, by the end of FY 25: (a) Decrease the average time to issue decisions on appeals from 334 days to 290 days; (b) Decrease the average time from effective date of new legislation to proposed rulemaking from over 120 days to 90 days; (c) Increase personnel training by all legal staff attending at least one training on writing or administrative law and by all administrative staff attending at least one training on professional development; and (d) Improve public communication by posting online at least 3 plain-language guidance documents on Rental Housing Act of 1985 substance and/or procedures and translating all procedural guidance documents into Spanish.

we would track for a downward trend without counting the outlier matters. The best-practice models for other appellate bodies, as shown in the report *Model Time Standards for State Appellate Courts*, National Center for State Courts (2014) (“Model Time Standards”).³ The Commission has worked with the City Administrator’s office to revise its Key Performance Indicators and Workload Measures for Fiscal Year 2024. Under these revised metrics, we are tracking the average time to resolve cases and what percentage are resolved within 340 days of oral arguments or submission on the written briefs.

d. What changes to its practices does the agency anticipate making to better achieve its SMART goals in 2025?

- i. To reach our time goal on decisions, the Commission will put in place internal controls to alert for calendar calculations on days accrued on cases. It must be noted the deliberation on case decisions, consensus amongst judges, and drafting of decisions will ultimately determine the timing of decisions.

7. What are the metrics regularly used by the agency to evaluate its operations? Please be specific about which data points are monitored by the agency.

Please see response to Q.46 below.

8. Please describe any new initiatives or programs that the agency implemented in FY 24 and FY 25, to date, to improve its operations. Please describe any funding utilized for these initiatives or programs and the results, or expected results, of each initiative.

In FY 24, the Commission has begun tracking its case decision performance as part of the OCA’s Performance Accountability Program using the metrics described in Q.47 below.

In FY 24, the Commission has worked with contacts at Howard University School of Law and the University of the District of Columbia School of Law to recruit summer and fall interns. The Commission successfully placed a Howard Law student as its summer law clerk for 2024. The Commission is again recruiting at Howard for placement for summer 2025.

In FY25, the Commission is undertaking the development of an Access to Justice program. The Commission, as appellate judicial body, has an obligation to evaluate and address how accessible the Commission is to DC tenants and housing providers. The goal is to operate the Commission through the lens that all DC residents can understand, appreciate, and exercise their rights under the Rental Housing Act. This plan shall include the development

³ <https://ncsc.contentdm.oclc.org/digital/collection/appellate/id/1032/>.

of an Access to Justice mission, development of plain language documents, creating relationships across other judicial bodies (D.C. Superior Court L&T resource center, OAH, D.C. Court of Appeals), working with Office of the Tenant Advocate to connect pro se tenants to legal services, identifying pro bono/low bono programs to assist tenants and small landlords, and community outreach to explain the Commission and the Rental Housing Act.

9. What are three areas, programs, or initiatives within your agency where you see the most opportunity to make progress toward racial equity?

- Access to Justice Initiative
- Language Translation
- Legal Intern Recruitment

10. In the past year, what are two ways that your agency has addressed racial inequities internally or through the services you provide?

The Rental Housing Act applies generally to all rental housing and its rent stabilization provisions apply to buildings based on size and age and does not specifically address race issues. The Commission recognizes that non-white residents of the District are more likely to be renters instead of homeowners, and, to that extent, enforcement of the Act's numerous tenant protections likely has an impact on racial inequity by preserving stability and affordability for communities of color. The Commission also gives particular attention and consideration when parties before it are unrepresented by legal counsel, which may often occur where there are language, cultural, or economic barriers. This will be furthered through the Commission's Access to Justice plan. *See* question 8.

The Commission also partners with governmental stakeholders including the Office of Tenant Advocate and the Rental Accommodations Division of DHCD to develop clear public guidance on rights and responsibilities under the Rental Housing Act.

11. Please provide a current organizational chart for the agency, including the number of vacant, frozen, and filled positions in each division or subdivision. Include the names and titles of all senior personnel and note the date that the information was collected on the chart.

See Attachment 1.

a. Please provide a narrative explanation of any changes made to the organizational chart during FY 24 and FY 25, to date.

The Commission no longer has the Chief of Staff position due to funding constraints in FY24, which was eliminated at the end of FY 23. In FY25, the Commission no longer has the Mediator position due to the lack of work. The

Mediator position was eliminated through a reduction in force that was effective as of January 10, 2025.

12. Please provide a current Schedule A for the agency which identifies each position by program and activity, with the salary, fringe benefits, and length of time with the agency. Please note the date that the information was collected. The Schedule A should also indicate if the position is continuing/term/temporary/contract or if it is vacant or frozen. Please indicate if any position must be filled to comply with federal or local law.

See Attachment 2.

13. Please list all employees detailed to or from your agency. For each employee identified, please provide the name of the agency the employee is detailed to or from, the reason for the detail, the date of the detail, and the employee's projected date of return.

None.

14. Please provide:

a. A list of all vehicles owned, leased, or otherwise used by the agency and to whom the vehicle is assigned as well as a description of all vehicle accidents involving the agency's vehicles in FY 24 and FY 25, to date;

None.

b. A list of travel expenses, arranged by employee, for FY 24 and FY 25, to date, including justification for travel; and

There was no travel arranged in FY 24.

Travel FY 2025

Date	Conference	Location	Cost
November 14-17, 2024	Appellate Judges Education Institute	Boston, MA	\$1710.88

Justification:

The one travel expense in FY25 was for Administrative Judge Toya Carmichael to attend the Appellate Judges Education Institute in Boston, Massachusetts from November 14-17, 2024. The justification for this training is because as an administrative judge, there is an extensive amount of opinion writing in reaching a decision. The Commission requires the judges to write its opinions based on the appeals from the Office of Administrative Hearings and information gathered from the parties' pleadings and arguments presented during oral argument. This course benefited both the judge and attorneys that work within the Commission. Knowledge obtained was shared and applied to the current work. Workshop topics included Legal Writing – A Workshop in Practical Linguistics, Sua Sponte Decision Making and Supplemental Briefing, and Questions You Should Ask Before, and Must Be Able To Answer During, Appellate Oral Argument.

c. A list of total workers' compensation payments paid in FY 24 and FY 25, to date, including the number of employees who received workers' compensation payments, in what amounts, and for what reasons.

None.

15. Please list in descending order the top 25 overtime earners in your agency in FY 24 and FY 25, to date, if applicable. For each, state the employee's name, position number, position title, program, activity, salary, fringe, and the aggregate amount of overtime pay earned by each.

None.

16. For FY 24 and FY 25, to date, please provide a list of employee bonuses, special pay granted, or separation pay issued, that identifies the employee receiving the bonus, special pay, or separation pay, the amount received, and the reason for the bonus, special pay, or separation pay.

See Attachment 3.

17. Please provide each collective bargaining agreement that is currently in effect for agency employees. Please include the bargaining unit and the duration of each agreement. Please note if the agency is currently in bargaining and the anticipated date of completion of each agreement in bargaining.

See attachment 4, The Non-Compensation Collective Bargaining Agreement between the District of Columbia Government and AFGE, Local 2725, covering Compensation Units 1 and 2, dated December 13, 1988, effective through September 30, 1990.

See attachment 5, an MOU between the District of Columbia Government and AFGE, Local 2725, regarding Chapter 16 of the DC Personnel Manual.

See attachment 6, The Compensation Collective Bargaining Agreement between the District of Columbia Government and AFGE, Local 2725, covering Compensation Units 1 and 2.

The District bargains with AFGE, Local 2725 on behalf of numerous agencies including the Commission.

18. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any allegations received by the agency in FY 24 and FY 25, to date, and whether and how those allegations were resolved.

a. Has the agency identified a primary and alternate sexual harassment officer ("SHO")? If no, why not? If yes, please provide the names of the primary and alternate SHOs.

Adam Hunter is the designated SHO for the Commission. The alternate designated SHO for the Commission is Lisa Gregory.

b. Has the agency received any requests from staff in an otherwise prohibited dating, romantic, or sexual relationship for a waiver of provisions of the Sexual Harassment Order? What was the resolution of each request?

The Commission does not tolerate sexual harassment and will take any complaints with the utmost seriousness. Complaints of such behavior will be dealt with through the appropriate channels and best practices, and in accordance with the District Personnel Manual and applicable human resources policies and procedures. The Commission's current, standing policy was developed to follow Mayor's Order 2017-313, and the Commission intends to update this policy and follow the procedures outlined for District agencies in Mayor's Order 2023-131 (Oct. 31, 2023). The Commission will work with the Office of Human Rights, the Department of Human Resources, the Office of the Attorney General, an Equal Employment Opportunity point person, and all other appropriate parties and entities to conduct any appropriate investigation.

The Commission has not received any allegations of sexual harassment in FY 24 or FY 25 to date.

19. For FY 24 and FY 25, to date, please identify any special purpose revenue funds maintained by, used by, or available for use by the agency. For each fund identified, provide:

- a. The revenue source name and code;*
- b. The source of funding;*
- c. A description of the program that generates the funds;*
- d. The amount of funds generated by each source or program;*
- e. Expenditures of funds, including the purpose of each expenditure; and*
- f. The current fund balance.*

The Rental Housing Commission does not receive any Special Purpose revenues.

20. For FY 24 and FY 25, to date, please list any purchase card spending by the agency, the employee making each expenditure, and the general purpose for each expenditure.

FY24

Date	Expenditure	Vendor	Cost	Authorized PCard User
01/29/24	Renewal Hearing Room Recording System	BIS Digital, Inc	\$1,270.00	LaTonya Miles
03/21/24	General Office Supplies	Total Office Product, Inc.	\$4,356.86	LaTonya Miles
06/03/24	Adobe Subscription Renewal	Public Performance Management	\$802.76	LaTonya Miles
06/03/24	Raised Desk	Total Office Product	\$219.95	LaTonya Miles
06/17/24	Notary Renewal	Metro Stamp	\$97.95	LaTonya Miles

FY25

Date	Expenditure	Vendor	Cost	Authorized PCard User
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10/10/24	Training Registration Fee for Daniel Mayer	DC Bar	\$75.00	LaTonya Miles
10/29/24	Hearing Recording Service Agreement	BIS Digital	\$925.00	LaTonya Miles
10/31/24	Training Registration Fee for Toya Carmichael	National Judicial College	\$845.00	LaTonya Miles
12/02/24	Transcription Service	Neal R. Gross & Co., Inc.	\$375.00	LaTonya Miles

21. Please list all memoranda of understanding (“MOU”) entered into by the agency during FY 24 and FY 25, to date, as well as any MOU currently in force. For each, indicate the date on which the MOU was entered and the termination date. Please attach a copy of each.

<i>FY24</i>	<i>DCHR</i>	<i>March 8, 2024 – September 30, 2024</i>
<i>FY24</i>	<i>OHR</i>	<i>July 24, 2024-September 30, 2024</i>
<i>FY25</i>	<i>DCHR</i>	<i>October 1, 2024 – September 30, 2025</i>
<i>FY25</i>	<i>OHR</i>	<i>October 1, 2024 – September 30, 2025</i>

See Attachments 7, 8, 9, & 10.

22. Please list all open capital projects and capital projects in the financial plan under the agency’s purview, including the amount budgeted, actual dollars spent so far, any remaining balances, and the status of the project. In addition, please provide a description of any projects which are experiencing delays, or which require additional funding.

None.

23. Please provide a table showing your agency’s Council-approved budget, revised budget (after reprogrammings, etc.), and actual spending, by program, activity, and funding source for FY 24 and FY 25, to date. Please detail any over- or under-spending and any federal funds that lapsed.

See Attachment 11.

24. Please list and describe any spending pressures the agency experienced in FY 24 and FY 25, including and any anticipated spending pressures for the remainder of FY 25. Include a description of the pressure and the estimated amount. Describe how any spending pressures have been resolved and any proposed solutions for remaining pressures.

The Rental Housing Commission has not experienced any spending pressures in FY24 or FY25 year to date.

25. Please provide a list of all budget enhancement requests (including capital improvement needs) for FY 25 or FY 26. For each, include a description of the need and the amount of funding requested.

(FY 25) Law Clerk (junior staff attorney)

Hiring a well-qualified junior attorney will allow for better distribution of the Commission's case work, expediting the issuance of decisions and freeing up the Chair/Chief Administrative Judge and General Counsel to support operational matters and regulatory updates. The Commission's FY 25 budget request sought \$ for this enhancement.

(FY 25) Training & Translation

The Commission must maintain and strengthen our knowledge with annual trainings to improve efficiencies and effectiveness. A consistent training budget is crucial. The Commission's largest asset is its personnel and continuing legal education keeps employees up to date and sharpens skills; Training the legal staff in cultural competencies and implicit bias improves racial equity.

Additionally, the Commission will need funding to ensure language access services. Translation and interpretation make justice accessible to marginalized communities. The Commission's FY 25 budget request sought \$13,000.00 for this enhancement.

New and Increased FY 26. Funding:

In FY 26, the Commission proposed new and increased funding that would be satisfied by budgetary savings from the reduction in force conducted in January.

Case Management Needs Assessments: In the Commission's FY24 budget, there was \$30,000 allocated for the assessment of the development of a case management system. That amount was eliminated due to severance payment in that FY 24. The amount was not added into the FY 25 budget but has been requested as part of the FY 26 budget.

Intern Stipend:

The Commission is allocating \$5000 for a summer law student intern for FY26. The amount had not been a part of the Commission's FY 24 or FY 25 budgets.

Tech Refresh:

The Commission is allocating \$15,000 of its FY 26 proposed budget to replace the Commissions' computers, printers and support equipment. In FY 26, many of the Commission computers will reach their 5-6 year service lives. To keep current with technology, the Commission will use the funding to update its technology.

Training and Language Access

The Commission has an enhancement request of \$17,000 for training and language access from \$13,000 in FY 25 to \$30,000 in FY 26. The increase is to allow all Commission employees to participate in professional development training as well as the statutory mandate for judges to participate in continuing education.

Contract Mediation Services

New in FY 26 is for the Commission to fund \$13,831 for interagency MOU to conduct the Commissions' mediation.

26. Please list, in chronological order, each reprogramming that impacted the agency in FY 24 and FY 25, to date, including those that moved funds into the agency, out of the agency, and within the agency. For each reprogramming, list the date, amount, rationale, and reprogramming number.

There was no reprogramming YTD in FY25 for the Commission.

See Attachment 12 for FY24.

27. Please list each grant or sub-grant received by the agency in FY 24 and FY 25, to date. List the date, amount, source, purpose of the grant or sub-grant received, and amount expended.

None.

28. How many FTEs are dependent on grant funding? What are the terms of this funding? If it is set to expire, what plans, if any, are in place to continue funding the FTEs?

None.

29. Please list each contract (including leases) and procurement entered into or extended by your agency during FY 24 and FY 25, to date. For each contract, please provide the following information where applicable:

a. The name of the contracting party;

- b. The nature of the contract, including the end product or service;*
- c. The dollar amount of the contract, including amount budgeted and amount actually spent;*
- d. The term of the contract;*
- e. Whether the contract was competitively bid;*
- f. The name of the agency's contract monitor and the results of any monitoring activity; and*
- g. The funding source.*

FY 2024 Purchase Orders

Contract	Description	Cost	Term	Competitively Bid	Monitor	Funding
Canon Solutions	Leasing Copier	\$5,878.32	Oct 2023- Sept - 2024	N/A	N/A	Local
Lexis Nexis	Subscription	\$3,828.	Oct 2023 – Sept 2024	N/A	N/A	Local

FY 2025 Purchase Orders

Contract	Description	Cost	Term	Competitively Bid	Monitor	Funding
Canon Solutions	Leasing Copier	\$5,878.32	Oct 2024- Sept - 2025	N/A	N/A	Local
Lexis Nexis	Subscription	\$6,000.	Oct 2024 – Sept 2025	N/A	N/A	Local

30. If there have been cases where you have been dissatisfied with the procurement process, what have been the major issues?

None.

a. What changes to contracting and procurement policies, practices, or systems would help the agency deliver more reliable, cost-effective, and timely services?

None.

31. What is the agency's current adjusted expendable budget for CBE compliance purposes? How much has been spent with SBEs or CBEs? What percent of the agency's current adjusted expendable budget has been spent with SBEs or CBEs?

The agency does not have an adjusted expendable budget for CBE compliance purposes.

32. Please provide the number of FOIA requests that were submitted to your agency in FY 24, and FY 25, to date, specifying how many were granted, partially granted, and denied, and how many are pending. In addition, please provide the average response time, the estimated number of FTEs required to process these requests, estimated number of hours spent responding, and cost of compliance.

The Commission received zero FOIA request in FY 24 and FY 25.

In general, FOIA responses received by the Commission require only a few hours of personnel time to search for records and prepare responses. The Commission has not incurred any compliance costs.

33. Please list the administrative complaints or grievances that the agency received in FY 24 and FY 25, to date, broken down by source. Please describe any changes to agency policies or procedures that have resulted from complaints or grievances that were resolved in FY 24 or FY 25, to date.

FY24:

July 29, 2024 Grievance from Employee and AFGE Local 2725, AFL-CIO; 1) ADA Accommodation; 2) Verbal Counseling.

Status: Denied and CLOSED as of August 29, 2024 (no arbitration)

Policy: No change in Agency policy

FY25:

January 10, 2025 Office of Employee Appeals – Filed by Employee to appeal the Reduction in Force

Status: Pending before OEA (motion to dismiss and motion for summary judgment filed)
Policy: No change in Agency policy

December 30, 2024 Grievance from AFGE Local 2725, AFL-CIO; 1) Advance notice to the Union 2) Notice to Employee; and 3) Fair and Equitable Treatment
Status: Denied by Agency as of January 2025, Arbitration requested by Union
Policy: No change in Agency policy

November 15, 2024 Equal Employment Opportunity Commission (EEOC) Complaint Discrimination filed by Employee
Status: Dismissed and CLOSED by EEOC as of November 19, 2024
Policy: No change in Agency policy

34. Please list all pending lawsuits that name the agency as a party. Identify which cases on the list are lawsuits that potentially expose the District to financial liability or will result in a change in agency practices and describe the current status of the litigation. Please provide the extent of each claim, regardless of its likelihood of success.

None.

35. Please list all settlements entered into by the agency and judgments against the agency (or by or against the District on behalf of the agency) in FY 24 or FY 25, to date, and provide the parties' names, the amount of the settlement or judgment, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g., administrative complaint).

None.

36. Please list and describe any investigations, audits, or reports on the agency or any employee of the agency that were completed during FY 24 and FY 25, to date.

None.

37. Please provide a list of all studies, research papers, reports, and analyses that the agency prepared or funded during FY 24 and FY 25, to date. Please attach a copy of any study, research paper, report, or analysis that is complete.

See responses to question 3.

38. Please list any task forces, committees, advisory boards, or membership organizations in which the agency participates.

None.

COMMISSION-SPECIFIC QUESTIONS

39. Please list all current members of the Commission including:

- a. Their date of appointment;**
- b. The date their term expires; and**
- c. The Ward in which they reside.**

Name	Appointed	Expires	Ward
Lisa Gregory	January 20, 2018	July 18, 2026	2
Adam Hunter	April 5, 2022	July 18, 2025	7
Toya Carmichael	March 17, 2023	July 18, 2027	7

40. Please confirm that the current members of the Commission meet the statutory requirement that commissioners of the Commission must “be neither a housing provider nor a tenant.”

Yes, all three members are neither a housing provider nor a tenant.

41. Has the Commission created a plain language guidance document for the Rental Housing Act and rent stabilization generally, as indicated in last year’s performance oversight questions? If so, please provide it to the Committee.

The Commission is in the process of developing the plain language documents which is a part of the Commission’s Access to Justice to plan as well as part of staff individual Performance SMART goals for FY25. The Commission has developed a three-page guide on its appeal process and is identifying the best ways to distribute it to parties who receive final orders at OAH.

42. Please describe any continuing education programs established pursuant to D.C. Official Code §42–3502.01a(2)(A) that remain in effect.

The Commission has required all judges and commission staff to participate in continuing education program. Training is a part of staff individual Performance SMART goals. The Commission will also be hosting an office-wide training on Access to Justice in March 2025.

43. What trainings, such as training on implicit bias, are available and advertised to staff to help ensure that adjudication or disputes is as balanced and objective as possible?

The office-wide Access to Justice training in March 2025 will address implicit bias.

44. Please provide an update on the Howard University School of Law Externship program.

The Commission successfully hired a Howard University School of Law in the Summer of 2024. The Commission has opened applications for Summer 2025. See also answer to question 8.

45. Has the Commission progressed on the move to an Integrated Case Management/Archive system? Have there been any adjustments to the scope or timeline of this project since the Commission's last performance oversight hearing?

The Commission's budget for FY 24 included money for consulting to conduct a needs assessment and to develop a request for proposals for an appropriate electronic case management system. However, the elimination of the Chief of Staff position at the end of FY 23 due to FY 24 budget constraints, nonetheless required severance payments in FY 24. The amount was not included in the FY25 budget.

46. Please provide any available FY 24 and preliminary FY 25 data on the objectives and activities below, which are drawn from the Commission's FY 25 [Performance Plan](#):

(Objective: Resolve Administrative Appeals Efficiently)

a. Average number of business days between filing of an appeal and preliminary case review

	<u>FY 24</u>	<u>FY 25</u>
	1	1

b. Average number of days between hearing and decision

	<u>FY 24</u>	<u>FY 25</u>
Total	599	421
W/o highest	348	356

c. Average number of days from receipt of case record to agreement or rejection of mediation by parties

	<u>FY 24</u>	<u>FY 25</u>
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27

n/a

d. Percentage of cases awaiting decision more than 340 business days since hearing

FY 24
57%

FY 25
66%

(snapshot as of 9/30/24 and 2/21/25)

e. Percentage of RHC decisions reversed or remanded by the DC Court of Appeals

FY 24
0%

FY 25
0%

(Objective: Issue, amend, and rescind rules and procedures for the administration of the Rental Housing Act (Act) and for the resolution of disputes arising under the Act)

f. Average number of days from effective date of new legislation necessitating rulemaking to publication of notice of proposed rulemaking

FY 24
n/a

FY 25
pending

(Activity: Case Mediation)

g. Average number of business days from parties' agreement to mediate to completion of mediation

FY 24
149

FY 25
pending

h. Average number of mediation sessions per case mediated

FY 24
2

FY 25
pending

i. Cases mediated

<u>FY 24</u>	<u>FY 25</u>
3	0

(Activity: Appellate Resolution)

j. Case hearings held

<u>FY 24</u>	<u>FY 25</u>
6	0

k. Cases awaiting decision

<u>FY 24</u>	<u>FY 25</u>
7	3

(snapshot as of 9/30/24 and 2/21/25)

l. Cases dismissed without hearing.

<u>FY 24</u>	<u>FY 25</u>
6	0

m. Cases voluntarily withdrawn

<u>FY 24</u>	<u>FY 25</u>
2	0

n. Motions filed (all types)

<u>FY 24</u>	<u>FY 25</u>
14	5

o. Open cases (total)

<u>FY 24</u>	<u>FY 25</u>
9	7

(snapshot as of 9/30/24 and 2/21/25)

p. Opinions rendered

FY 24
5

FY 25
4

q. Orders rendered

FY 24
28

FY 25
5

r. Percent of parties without an attorney in new appeals filed

FY 24
33%

FY 25
50%

47. The Commission’s FY 25 performance plan goals reflect some differences from those in the FY 24 plan and report. For example, FY 25 includes the percent of parties without an attorney and does not include the average caseload per administrative judge. Please describe the thought process behind decisions on what to add, what to subtract, and what to carry over.

The Commission reviews its metrics each year to determine whether its performance is being captured in a way that makes sense and can guide future improvements. For the examples given, “caseload per judge” was not a useful metric, because it is simply the number of open cases divided by three (assuming a fully appointed Commission). If one judge ever has more internally assigned cases than their share, the cases are reassigned to balance the workload. For the “parties without an attorney” metric, this will help inform the Commission’s access to justice initiatives.

48. Please describe how you calibrated the specific numeric targets included in the Commission’s FY 25 performance plan.

For the time to resolve cases, the Commission previously set a target of 340 days based on model time standards used in state intermediate appellate courts. Those standards set targets for 90% of cases to be resolved in that time.

For the rulemaking target, the Commission’s past performance was 120 days, and the Commission believes that, given its current case load, more time can be dedicated to drafting and reviewing proposed rules.

49. Please describe any major activities and accomplishments in FY24 and FY25, to date, that are not addressed above.

None.

50. Please share any legislative priorities or recommendations for the Council for Council Period 26.

The Commission does not have any legislative priorities at this time. The Commission will be glad to offer comment as appropriate and any technical advice on legislation that may come before the Committee.