

SUMMARY OF PROPOSED PUBLIC STATEMENT

Practitioners before the Rental Accommodations and Conversion Division ("RACD"), which administers the rent control law, have been experiencing increasingly long delays in obtaining written decisions from that agency on petitions of all types. The delays are believed to be due to inadequate word processing resources, which has resulted in a backlog of decisions to be typed.

In the attached letter, the members of the Standing Committee on Rental Housing offer to the Rent Administrator, who heads the RACD, the word processing resources of their respective law offices to type decisions, in order to alleviate the backlog. Appropriate security measures, as formulated by the Rent Administrator, would be followed.

Contributors: Vincent Mark J. Policy, Esq.
Chairperson, Standing Committee on Rental Housing

April __, 1988

BY MESSENGER

Howard E. Lewis, Esq.
Rent Administrator
Rental Accommodations and
Conversion Division
District of Columbia Department of
Consumer & Regulatory Affairs
614 H Street, N.W. - Room 416
Washington, D.C. 20001

Dear Mr. Lewis:

On behalf of the Standing Committee on Rental Housing of the Real Estate, Housing and Land Use Section of the District of Columbia Bar, I am writing to you to express a concern of the Committee members and at the same time offer a potential solution to the problem. */

For your information, I have enclosed a list of the members of the Committee. As you can see from this list, the Committee consists of practitioners who represent clients, both housing providers and tenants, with respect to the Rental Housing Act of 1985, both before the Rental Accommodations and Conversion Division ("RACD") and before the Rental Housing Commission

*/ The views expressed herein represent only those of the Real Estate, Housing and Land Use Section and the Standing Committee on Rental Housing of the District of Columbia Bar and not those of the District of Columbia Bar or its Board of Governors.

("RHC"). In recent months, we have become increasingly concerned by the lengthy delays which we have experienced in obtaining decisions from both the RACD and the RHC in cases following hearings on all types of petitions. */ Both the Committee members who generally represent tenants and those who generally represent housing providers have concluded, based on experiences with their various clients, that these delays are adverse to the interests of all parties to the proceedings. The uncertainty created by the lack of a decision on a pending petition defeats the major purposes of the proceeding, which are to give guidance to the parties as to the law so that they may adapt their conduct and future plans to attain or to remain in compliance and so that they may tangibly obtain the legal rights to which they are entitled. This uncertainty has serious adverse impacts on the daily lives and businesses of both the tenants and the housing providers involved, as well as on their perceptions of their government and the administrative process.

We are well aware of the resource constraints on the RACD, which inhibit its ability to timely issue decisions and which have resulted in an existing backlog of cases pending decision. In particular, we are aware that the RACD lacks the necessary word processing equipment and personnel to type decisions and that this is the major delay point in the processing of decisions. While we believe that the failure to allocate to the RACD this fundamentally necessary resource desperately needs to be addressed within the Department of Consumer and Regulatory Affairs, the identification of this delay point permits our Committee to offer an interim solution.

Accordingly, the members of the Standing Committee on Rental Housing hereby offer to the RACD the word processing facilities and personnel of their offices to type decisions forwarded by your office after preparation by Hearing Examiners. Of course, this offer also includes such typing revisions as may be necessary after review of drafts by Hearing Examiners. In no way would any Committee members or their personnel be involved, in any fashion, in the substance of the decision. Committee members would not even be involved in the processing of the decisions by their personnel, in order that Committee members would remain unaware of the substance of the decisions. We are prepared to implement in our respective offices such security and confidentiality procedures as the RACD feels are necessary or appropriate. We realize the

*/ We understand that the RHC is a separate matter, which needs to be addressed separately. We did not want to leave the impression, however, that the problem is solely with respect to your office.

importance of such procedures and assure you that they will be strictly observed. With this availability of additional resources, we hope that through our joint efforts with your office we can quickly eliminate the growing backlog of decisions.

We realize that there are administrative and policy issues which the RACD should consider in responding to our proposed solution to the problem. We believe, however, that these issues can be overcome and we would be available at your convenience to discuss this proposal with you. More importantly, we hope that the fundamental facts are not lost sight of: The inordinate delays in the issuance of decisions are widely known to exist and are having adverse impacts on the persons whom the administrative process was meant to serve. This problem requires immediate attention and resolution, regardless of how that resolution may be achieved.

We look forward to discussing this matter further with you.

Sincerely yours,

Vincent Mark J. Policy
Chairperson, Standing Committee
on Rental Housing

VMP:jed

cc: Mr. R. Benjamin Johnson (By Messenger;w/encl.)
Councilmember John Ray (By Messenger;w/encl.)
Raenelle H. Zapata, Esq. (By Messenger;w/encl.)
All Members, Standing Committee on Rental
Housing