

Rental Housing Committee
Appeal of Petitions No. 18190025, 18190026, 18190033
Order of Remand

Direction to Hearing Officer on Remand

The Rental Housing Committee heard the appeal of the above Petitions for a downward adjustment of rent on March 4, 2019 and made the following decisions:

A. The Appeal Decision attached to this Order of Remand was adopted with respect to Appeal Elements A.1, A.3, A.4, A.5, and A.6.

B. The Decision of the Hearing Officer regarding the alleged overdue painting of Unit 8 and the valuation of the alleged reduction in housing services is **remanded** to the Hearing Officer for the limited purpose of revising Section IV.B (Evidence Presented Re: Habitability and Maintenance issues (Petition B Unit #8)), Section V.C (Discussion Re: Petitioner Wilson's Petition B Unit #8), and Section VI.4.d to determine whether and to what extent Petitioner Wilson's housing services were reduced from those painting-related housing services she was to receive as stated in the 2015 lease.

Specifically, the Hearing Officer should clarify the following statements included in Section IV.C (Decreases in maintenance/decreases in housing services) subsection 1:

"The parties agree that some rooms within Ms. Wilson's unit were painted while others were not. . . . Eleven years have passed without painting Ms. Wilson's unit."

In clarifying the statements quoted above, the Hearing Officer should address two issues. First, the Hearing Officer should determine whether and to what extent housing services were decreased as compared to the housing services described in the 2015 lease with respect to painting. In other words, the Hearing Officer should clearly identify whether any portion of the unit was not painted in accordance with the housing services described in the 2015 lease based on the preponderance of the evidence in the record.

Second, if any portion of the unit was not painted pursuant to the 2015 lease, then the Hearing Officer shall provide a reasonable valuation for that reduction in housing services. The value of any reduction in housing services should be commensurate to the service reduction. For example, the value of the service reduction if no part of the unit were painted pursuant to the 2015 lease must be greater than the value of the service reduction if part of the unit had been painted pursuant to the 2015 lease. The Hearing Officer should provide a clear analytical path to show that the resulting valuation of the housing services is logical.

In accordance with Regulation Chapter 5, Section E.10, the Hearing Officer may reopen the record if "she or he believes that further evidence should be considered to resolve a material issue where the Hearing record has been closed." In accordance with Regulation Chapter 5, Section H.5.d, "the Hearing Officer shall issue, and have mailed, a written revised Decision to all parties within forty-five (45) calendar days" after the date of this Order.