

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-TP-16-30,842

In re: 3003 Van Ness Street, N.W., Unit W-1131

Ward Three (3)

GABRIEL FINEMAN
Tenant/Appellant

v.

SMITH PROPERTY HOLDINGS VAN NESS LP
Housing Provider/Appellee

ORDER EXTENDING TIME ON RECONSIDERATION

February 7, 2018

SPENCER, CHAIRMAN: This case is pending before the Rental Housing Commission (“Commission”) following a decision and order issued January 18, 2018, from which housing provider/appellee Smith Property Holdings Van Ness LP (“Housing Provider”) filed a timely motion for reconsideration on February 6, 2018 (“Motion for Reconsideration”). The Motion for Reconsideration itself includes twenty pages of legal arguments and several hundred pages of attachments.

Under the Commission’s rules for deciding motions for reconsideration, the Commission is required to “grant the motion, deny the motion or enlarge the time for later disposition of the motion” within fifteen calendar days of its filing. 14 DCMR § 3823.3. Accordingly, if the Commission does not act by February 21, 2018, the Motion for Reconsideration will be denied automatically. 14 DCMR § 3823.5 (“Failure of the Commission to act pursuant to § 3823.3 shall constitute a denial of the motion for reconsideration or modification.”).

However, the Commission's rules also provide that any party may file a response to a motion within five business days of service of the motion, plus three business days for mailing. 14 DCMR §§ 3814.3 (authorizing responsive pleadings), 3816.3 (computing time periods less than ten days to exclude holidays and weekends), 3816.5 (adding time for mailing). In light of these rules, intervening weekends, and the Presidents Day holiday, the Commission observes that tenant/appellant Gabriel Fineman ("Tenant") has until February 16, 2018, one full business day before the Commission is ordinarily required to decide the Motion for Reconsideration, to file any opposition.

The Commission's rules further provide that "[t]he Commission, for good cause shown, may enlarge the time prescribed, either on motion by a party or on its own initiative[.]" 14 DCMR § 3816.6. In consideration of the extraordinary volume of material filed by the Housing Provider in support of its motion, relative to the short period of time normally afforded for response, and in consideration of the single business day of consideration that the Commission would ordinarily be able to afford to any opposition that may be filed by the Tenant, the Commission determines, *sua sponte*, that good cause exists to enlarge the time both for the Tenant to file any opposition to the Motion for Reconsideration and for the Commission to subsequently issue an order granting or denying the Motion for Reconsideration.

The Commission determines that the Tenant should be afforded the same opportunity to respond to the Motion for Reconsideration that the Housing Provider was afforded in filing it: ten days, plus three for mailing, counting only business days. *See* 14 DCMR § 3823.1. Accordingly, the Tenant may file any opposition by February 26, 2018.

In order to afford due consideration to both the Housing Provider's legal arguments and voluminous attachments and to any opposition the Tenant may file, and in light of the deadline

ordinarily prescribed its rules, 14 DCMR § 3823.3, the Commission determines that it is appropriate to issue an order granting or denying the Motion for Reconsideration within fifteen calendar days of the earlier of either (a) the filing of any opposition by the Tenant or (b) the expiration of the time provided for the Tenant to file any opposition.

SO ORDERED.



MICHAEL T. SPENCER, CHAIRMAN

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **ORDER EXTENDING TIME ON RECONSIDERATION** in RH-TP-16-30,842 was served by first-class mail, postage prepaid, on this **7th day of February, 2018**, to:

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