



District of Columbia
 Department of Housing and Community Development
 Rental Accommodations Division (RAD)
 1800 Martin Luther King Jr. Avenue SE, 2nd Floor
 Washington, DC 20020
 (202) 442-9505

RAD Date Stamp

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2016 AUG 30 AM 9 07

RAD Form 23 (rev 09/10)

*442-9094

HRA-DHCD

RENTAL
 ACCOMMODATIONS
 DIVISION

W3

Tenant Petition / Complaint

This petition is filed under provisions of D.C. OFFICIAL CODE §§ 42-3501.01 et seq. (Supp. 2008) (DC Law 6-10 § 216).
 Please type or print clearly, complete all areas, and make sure to sign the form.
 ATTACH ADDITIONAL PAGES FOR RESPONSES, IF NEEDED.

RAD Use Only

Case number TP 30,855	Intake Representative @weston	Date Filed 8/30/16
<input checked="" type="checkbox"/> Walk-in <input type="checkbox"/> Mail	Approved For Filing By	Date Approved For Filing

TO FILE THIS PETITION, TENANT(S) MUST PROVIDE:

- Proof of tenancy, including rent receipts, cancelled checks, or a copy of a lease.
- Copy of any Notice to Vacate and/or Notice of Increase in the Rent Charged
- Original & 4 copies of this Petition/Complaint and all documents submitted in support of this Petition/Complaint

Part 1 – Tenant Information

Who is filing this petition? Tenant Tenant Representative Tenant Association Group of Unassociated Tenants

Name of tenant(s), tenant association, or representative Harry Gural	Email Address harrygural@gmail.com	
Cell phone (202) 527-2280	Home phone same	Work phone
Date when you became a tenant of the property for which this petition is being filed: March 9, 2010	Current monthly rent you are charged \$1,895 (from April 2016)	

Street address of property that is subject of petition/complaint

Street Address (No P.O. Box) 300 Van Ness Street, NW			
Unit(s) S-707	City Washington	State DC	Zip Code 20008

Current Address of Tenant(s) (if different than above)

Street Address (No P.O. Box)			
Unit	City	State	Zip Code

Petitioner(s)' Representative (Attorney or Other) information (if applicable)

Name of Representative	Email Address		
Cell phone	Home phone	Work phone	
Street Address (No P.O. Box)			
Unit	City	State	Zip Code

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Part 2 – Housing Provider Information

Name of Owner of Housing Accommodation Equity Residential / Smith Property Holdings		Email Address	
Cell phone	Home phone	Work phone (202) 244-3100	
Owner's Street Address (No P.O. Box) 3003 Van Ness Street, NW			
Unit	City Washington	State DC	Zip Code 20008
Title/Name of Agent of Owner Avis Duval		(check the appropriate box for Title): <input type="checkbox"/> Property Manager <input type="checkbox"/> Real Estate Agent <input type="checkbox"/> Other: _____	Email Address aduvall@eqr.com
Cell phone (202) 463-3511	Home phone	Work phone (202) 344-3100	
Agent's Street Address (No P.O. Box) 3003 Van Ness Street, NW			
Unit	City Washington	State DC	Zip Code 20008

Part 3 – Previously Filed Tenant Petitions for this Housing Accommodation or Rental Unit (1985 to present) (ATTACH ADDITIONAL PAGES, IF NEEDED)

Petition Number	Filing Date	Current Status (check the box)	Date of Decision/Order
2016-DCHD-TP 30,818	May 12, 2016	<input type="checkbox"/> Open or <input type="checkbox"/> Closed	July 28, 2018
		<input type="checkbox"/> Open or <input type="checkbox"/> Closed	
		<input type="checkbox"/> Open or <input type="checkbox"/> Closed	
		<input type="checkbox"/> Open or <input type="checkbox"/> Closed	
		<input type="checkbox"/> Open or <input type="checkbox"/> Closed	

Part 4 – Tenant Complaint

I/We believe that the following violation(s) of the Rental Housing Act of 1985, as amended, (the Act) at D.C. OFFICIAL CODE §§ 42-3501.01 et seq. (Supp. 2008) has/have occurred (check below):

Rent Increase

- A. The building where my/our Rental Unit(s) is/are located is not properly registered with the RAD.
- B. The rent increase was larger than the increase allowed by any applicable provision of the Act.
- C. There was no proper 30-day notice of rent increase within 30 days of the effective date of the increase.
- D. The Housing Provider did not file the correct rent increase forms with the RAD.
- E. (See N.)
- F. The rent was increased while my/our Rental Units was/were not in substantial compliance with the D.C. Housing Regulations.
- G. The rent ceiling exceeds the legally-calculated rent for my/our units.
- H. The rent charged is in excess of the rent ceiling for my Rental Unit.

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Part 4 – Tenant Complaint (continued)

Services and Facilities

- I. Services and/or facilities provided as part of my/our rent have been permanently eliminated.
- J. Services and/or facilities provided as part of my/our rent have been substantially reduced.
- K. Services and/or facilities, as set forth in the Voluntary Agreement filed with and approved by the Rent Administrator have not been provided as specified.

Retaliation/Notice to Vacate

- L. The Housing Provider, property manager, or other agent of the Housing provider has taken retaliatory action against me/us in violation of D.C. OFFICIAL CODE § 42-3505.02 (Supp. 2008).
- M. A Notice to Vacate has been served on me/us, which violates D.C. OFFICIAL CODE § 42-3505.01(Supp. 2008).

Security Deposit

- N. A security deposit was demanded of me/us by the Housing Provider, property manager, or other agent of the Housing Provider after the date when I/we moved in. No security deposit was demanded before I/we moved in by the Housing Provider, property manager, or other agent of the Housing Provider.
- O. The Housing Provider, property manager, or other agent of the Housing Provider has improperly withheld my security deposit after the date when I/we moved out.
- P. The Housing Provider, property manager, or other agent of the Housing provider failed to return the interest on my security deposit after the date when I/we moved out.

Establishment or Operation of a Tenant Organization

- Q. The owner interfered with (1) distribution of literature in common areas, including lobby areas, (2) placing of literature at or under tenants' doors, (3) posting of information on all building bulletin boards, (4) assistance to tenants to participate in tenant organization activities, (5) convening of tenant or tenant organization meetings, (6) formulation of responses to owner actions, (7) that the owner or management company modify services and facilities, and/or (8) any other activity reasonably related to the establishment or operation of a tenant organization, in violation of the provisions of D.C. OFFICIAL CODE §§ 42-3505.06(d)(1)-(8) (Supp. 2008).

Part 5 - Complaint Details

Use this space to describe in detail the events, dates, experiences, and observations that cause(d) you to file this Tenant Petition/Complaint.

THIS SECTION MUST BE COMPLETED IN ORDER TO FILE THIS TENANT PETITION/COMPLAINT. ATTACH ADDITIONAL PAGES, IF NEEDED.

Recent actions against me by Equity Residential in Landlord and Tenant court force me to refile my Tenant Petition (previous case number 2016-DCHD-TP 30,818) in the Office of Administrative Hearings.

I believe that Equity Residential's actions against me are in part because I am the President of the Van Ness South Tenants Association. I have advised over three dozen tenants about how to respond to illegal rent increases by Equity. I have been called the leading advocate for this issue in the District of Columbia.

Here is the background to the current filing. I filed a Tenant Petition against Smith Property Holdings / Equity Residential on May 12, 2012. (see attached.) As a result, the judge in Landlord and Tenant Court issued a Drayton stay.

After further consideration of my case against Equity I decided, on the advice of a highly-regarded attorney that has successfully battled Equity in the past, to pursue remedy in DC District Court's Civil Division or in U.S. Federal Court. I based this decision in part on the fact that some issues in the case extend beyond housing law.

More importantly, as President of the Van Ness South Tenants Association, I have specific evidence showing that Equity's actions are widespread -- over three dozen tenants have come to me reporting similar issues. I believe that Equity's predatory actions affect hundreds of people in our 600+ unit building, and hundreds or thousands more in Equity's other DC properties.

Part 5 - Complaint Details (continued)

Equity filed a Motion for Summary Judgment in OAH against me. I filed a motion in opposition. OAH denied Equity's Motion, rendering it moot.

At the same time, I filed a Motion for Voluntary Dismissal of my Tenant Petition because I wished to investigate the possibility of filing in DC Superior or in U.S. Federal Court. OAH granted my motion, dismissing the tenant petition without prejudice. However, before formally retaining an authority and thus before filing a case in either DC Superior or U.S. Federal Court, I was forced to travel to Boston to deal with an urgent family health issue.

Equity has now filed in Landlord and Tenant Court a Motion to Vacate the Drayton stay. Equity's attorney signed a Certificate of Service claiming that Equity's motion had been served to me "by hand delivery" on August 23. However, I have boarding passes to prove that I did not return to Washington until the evening of August 28.

Equity made no effort to contact me to discuss a hearing date on its Motion to Vacate, so the first time I was made aware of a hearing was on the evening of August 28 when I returned to Boston and found an envelope outside my door.

Equity's Motion to Vacate states that a hearing has been scheduled in Landlord and Tenant Court this Thursday, September 1st. This leaves me only three days, acting in my own defense while holding a full-time job, to file a counter motion to postpone the hearing. I understand that paperwork move at a glacial pace in Landlord and Tenant Court. Also, Equity Residential has implied to the judge that I moved to dismiss my case from OAH because I had second thoughts about the merits of my case. But as stated, I asked for dismissal in order to pursue the case in another venue.

Equity's actions force me to fight a three-front battle -- blocking its efforts to evict me in Landlord and Tenant Court, re-filing a tenant petition in OAH, and filing a case in either DC District Court or in Federal Court that may have broader implications for all residents of rent-controlled Equity buildings in DC. I plan to fight on all three fronts.

In appearing before OAH, will offer specific evidence showing that I paid \$1,830 last year for my one-bedroom apartment and that the maximum legal increase under DC law is \$65 so that my total rent beginning in April 2016 should be \$1,895. Equity's suit against me in Landlord and Tenant Court is based on its claim that I should pay an increase \$297 higher. In fact, Equity's property manager had agreed in person that my new rent would be \$1,895 as I proposed, but only if I were to sign a lease stating that the rent is actually \$2,192. As a matter of principal in as my right in the District of Columbia I declined to sign such a lease.

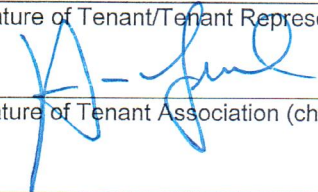
For these reasons, I ask the Office of Administrative Hearings to accept my new tenant petition against Equity Residential so my case can be heard.

Part 6 – Certification

I/we understand that:

- It is my/our responsibility to report any substantive changes in the information provided here, while this Complaint is pending.
- Any Tenant Petition/Complaint filed with the RAD must result from a true and valid impression that a violation of the Act or the Security Deposit Act has occurred.
- A Tenant Petition/Complaint must contain a description or explanation of the alleged violation of the Act.
- Any person who willfully makes a false statement in any document filed under the Act shall be subject to a fine of not more than \$5,000 for each violation.

I/We hereby certify that the information that I/we will give on this form, according to the best of my knowledge and belief, is correct.

Signature of Tenant/Tenant Representative (check box that applies) <input type="checkbox"/> President <input type="checkbox"/> Officer <input type="checkbox"/> Agent <input type="checkbox"/> Other	Date
	8/30/2016
Signature of Tenant Association (check box that applies) <input type="checkbox"/> President <input type="checkbox"/> Officer <input type="checkbox"/> Agent <input type="checkbox"/> Other	Date