

**DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS**

<p>HARRY GURAL <i>Tenant/Petitioner,</i></p> <p style="text-align:center">v.</p> <p>EQUITY RESIDENTIAL MANAGEMENT and SMITH PROPERTY HOLDINGS VAN NESS LP <i>Housing Provider/Respondent</i></p>	<p>2016-DHCD-TP 30,855</p> <p><i>In re:</i> 3003 Van Ness St. NW, S-707</p> <p>Chief Judge M. Colleen Currie</p>
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TENANT’S MOTION TO REFILE TWO EXHIBITS WITH MISSING PAGES

At the February 28, 2024, evidentiary hearing in this matter, the Housing Provider’s attorney raised objections regarding two Tenant exhibits that each were missing one page:

- **Exhibit 125** – Certificate of Notice to RAD of Adjustments in Rent Charged (RAD Form 9), Jan. 15, 2015
- **Exhibit 128** – Housing Provider’s Notice to Tenants of Adjustment in Rent Charged (RACD Form 8), Jan. 15, 2016

Both exhibits had already been submitted as evidence many times in the past, including by the Housing Provider in its Motion for Summary Judgment of Oct. 25, 2016 (Exhibit E on pages 73-77 and Exhibit H on pages 80-82.)

Tenant resubmits the attached Petitioner Exhibits 125 and 128 with all pages included.

Respectfully submitted,



HARRY GURAL
Tenant/Petitioner *pro se*

Email: harrygural@gmail.com
Telephone: (202) 527-2280

Dated: March 11, 2024

EXHIBIT 125

Resubmitted with all pages



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

RAD Date Stamp

Internal Use Only
C/O current:

yes no n/a
BBL current: yes no
Reg. current: yes no

**CERTIFICATE OF NOTICE TO RAD
OF ADJUSTMENTS IN RENT CHARGED**

HOUSING PROVIDER(S) SHALL FILE THIS CERTIFICATE WITH THE RENTAL
ACCOMMODATIONS DIVISION. THIS FORM IS NOT SERVED ON TENANTS.

I, Smith Property Holdings Van Ness L.P., declare, affirm and ratify as follows:
(Housing Provider's Name)

1. I am the Housing Provider of the following Housing Accommodation or Rental Unit(s)
(address): Archstone Van Ness, 3003 Van Ness Street, N.W.
Washington, D.C. 20008

2. My business address is (No P.O. Box): Robert Grealy
1500 Massachusetts Ave NW, Suite 25, Washington, DC 20005

3. My business telephone number and email address are:
202-971-7065, rgrealy@eqr.com

4. The Certificate of Occupancy number for the Housing Accommodation is B175541

5. My Basic Business License number is 54002038 and expires on (date): 10/31/2015

6. My RAD Registration Number for the Housing Accommodation is: 54002038

7. Attached hereto are the following documents related to the adjustment(s) in the rent charged for the Housing Accommodation and the Rental Unit(s): (1) a sample "Housing Provider's Notice to Tenants of Adjustment in Rent Charged" (except for Vacancy Increases); and (2) a completed "Appendix of Notices of Adjustments in Rent(s) Charged."

8. The "Housing Provider's Notice to Tenants of Adjustment in Rent Charged" was served on each of the Tenant(s) listed in the "Appendix of Notices of Adjustments in Rent(s) Charged" prior to the filing of this "Certificate of Notice to RAD of Adjustments in Rent Charged."

9. The Rental Unit(s) and common elements of the Housing Accommodation are in substantial compliance with the Housing Code as required by 14 DCMR § 4216.2 (2004), or any noncompliance is the result of Tenant neglect or misconduct.

I declare, affirm and ratify under penalty of perjury that the foregoing information is complete and accurate to the best of my knowledge. I fully understand and acknowledge that my signature below shall be deemed as the taking of an oath or affirmation regarding all of the information provided herein, to which the sanctions for perjury, false swearing or false statements under D.C. OFFICIAL CODE §§ 22-2402, 2404 & 2405 (Supp. 2008), respectively, shall apply.

Smith Property Holdings Van Ness L.P.

Housing Provider's Printed Name

Housing Provider's Signature
Gene Santomartino, Agent For Housing Provider

01/15/2015

Date:

APPENDIX OF NOTICES OF ADJUSTMENT IN RENT CHARGED

(with Continuation Page)

Unit No.	Tenant(s) Name(s)	Prior Rent	New Rent	Dollar Change	Percent Change	Section of Act	Date when Tenant Served with Notice	Effective Date of Rent Adjustment	21(a)(2) Rental Unit No.	Type of Service (No. is below)
S0107	Chris Pirisino, Sarita Perales	2624	2713	89	3.4	208(h)(2)	01/15/2015	04/01/2015		4
S0217	Nicholas Serrano, Yulia Danilina	2258	2335	77	3.4	208(h)(2)	01/15/2015	04/01/2015		4
S0220	Benjamin McKee, Alanna Tievsky	2995	3097	102	3.4	208(h)(2)	01/15/2015	04/12/2015		4
S0221	Cheryl Thoren	2192	2267	75	3.4	208(h)(2)	01/15/2015	04/05/2015		4
S0407	Bradley Erickson, Anne Limowski	3175	3283	108	3.4	208(h)(2)	01/15/2015	04/25/2015		4
S0417	Jeff Reisman	2339	2419	80	3.4	208(h)(2)	01/15/2015	04/30/2015		4
S0501	Elizabeth Rekowski, Melanie Jones	3721	3848	127	3.4	208(h)(2)	01/15/2015	04/19/2015		4
S0505	Phuong Nguyen, Hoang Do	2158	2231	73	3.4	208(h)(2)	01/15/2015	04/04/2015		4
S0519	Patricia Villaruz	2484	2568	84	3.4	208(h)(2)	01/15/2015	04/11/2015		4
S0612	Hesham Khedr, Sozan Elshamy	2326	2405	79	3.4	208(h)(2)	01/15/2015	04/07/2015		4
S0613	Charles Titus	2398	2480	82	3.4	208(h)(2)	01/15/2015	04/01/2015		4
S0623	Kathy Chiao, Alexandra Bonagura	3060	3164	104	3.4	208(h)(2)	01/15/2015	04/28/2015		4
S0707	Harry Gural	2048	2118	70	3.4	208(h)(2)	01/15/2015	04/01/2015		4
S0723	Sofia Melendez	1886	1950	64	3.4	208(h)(2)	01/15/2015	04/28/2015		4
S0923	Ara Salerian	2583	2671	88	3.4	208(h)(2)	01/15/2015	04/09/2015		4
S1008	Carolina Acosta, Ernesto Gordillo	2723	2816	93	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0111	Hyman Cole	1705	1729	24	1.4	208(h)(2)	01/15/2015	04/01/2015		4
W0125	Darryl Sesler, Robert Heffeman	2365	2445	80	3.4	208(h)(2)	01/15/2015	04/18/2015		4
W0202	Thomas McGinty	2973	3074	101	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0218	Couroche Kalantary, Gilda Kurti	2129	2201	72	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0320	Kristen Freeman, Douglas Johnson	2118	2190	72	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0332	G Keefe, S Garza, J Karsten, E St John	4616	4773	157	3.4	208(h)(2)	01/15/2015	04/26/2015		4
W0403	Yongmo Ahn	2520	2606	86	3.4	208(h)(2)	01/15/2015	04/07/2015		4

APPENDIX OF NOTICES OF ADJUSTMENT IN RENT CHARGED

(with Continuation Page)

Unit No.	Tenant(s) Name(s)	Prior Rent	New Rent	Dollar Change (\$)	Percent Change (%)	Section of Act	Date Tenant Served with Notice	Effective Date of Rent Adjustment	213(a)(2) Rental Unit No.	Type of Service (No. is below)
W0409	Lorin Shirwani, Julie Grysavage, Robert Gibson	3310	3423	113	3.4	208(h)(2)	01/15/2015	04/26/2015		4
W0511	Embassy Lebanese, Carla Jazzar	2365	2445	80	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0523	Karen Reinauer	2829	2925	96	3.4	208(h)(2)	01/15/2015	04/05/2015		4
W0604	Marie Brodeur	3179	3287	108	3.4	208(h)(2)	01/15/2015	04/25/2015		4
W0631	Navneet Jaswal, Sandeep Mahajan	3200	3309	109	3.4	208(h)(2)	01/15/2015	04/09/2015		4
W0707	Priya Chopra	2211	2286	75	3.4	208(h)(2)	01/15/2015	04/19/2015		4
W0716	Nicolas Viggiolo, Maria Smaidone	3179	3287	108	3.4	208(h)(2)	01/15/2015	04/19/2015		4
W0727	Jeffrey Stevenson Jr.	2874	2972	98	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0731	Martin Keeney	2811	2907	96	3.4	208(h)(2)	01/15/2015	04/19/2015		4
W0807	Larissa Da Silva	1766	1826	60	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W0825	Chinese Embassy	2365	2445	80	3.4	208(h)(2)	01/15/2015	04/08/2015		4
W0905	Erin Lindgren, Claude Warzecha	3007	3109	102	3.4	208(h)(2)	01/15/2015	04/26/2015		4
W0908	Kathryn Berlin, Anne Drury, Alexis Niekamp	3228	3338	110	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W1016	Friedrich Kretschmer, Viola Kretschmer	2855	2952	97	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W1108	Michael Nagle, Kyle Byrd	3551	3672	121	3.4	208(h)(2)	01/15/2015	04/04/2015		4
W1111	Veronice Holt	2214	2289	75	3.4	208(h)(2)	01/15/2015	04/01/2015		4
W1123	Ivana Horvathova, Edward Levin	3224	3334	110	3.4	208(h)(2)	01/15/2015	04/19/2015		4
W1125	Abby Harvey, Daniel Carlson	2365	2445	80	3.4	208(h)(2)	01/15/2015	04/05/2015		4

Section of Code	Description
208(h)(2)	Annual Increase of General Applicability (CPI-W based)
210	Capital Improvement
211	Change in Services/Facilities
212	Hardship Petition
213(a)(1)	Vacancy (10%)
213(a)(2) *	IF APPLICABLE -- State in the Appendix the Substantially Identical Rental Unit used for the Highest Comparable Vacancy Increase (30% max)
214	Substantial Rehabilitation
215	Voluntary Agreement

Type of Service	Number	Description
TENANT	1	Personal service on Tenant
ADULT	2	Personal service on an adult at the Rental Unit, with instructions to deliver same to the Tenant(s)
AGENT	3	Personal service on an authorized representative of the Tenant(s)
MAIL	4	First class mail
CERTIFIED	5	Certified mail
PRIORITY	6	Priority mail with delivery confirmation

Housing Provider's Notice to Tenant of Adjustment in Rent Charged

EXHIBIT 128

Resubmitted with all pages

EXHIBIT 128



3003 Van Ness

01/15/2016

Harry Gural
3003 Van Ness Street, N.W. Apt # S0707
Washington, DC 20008

Dear Resident,

Thank you for choosing our community as your home. We are committed to providing you with an experience that is very satisfying and we hope you enjoy living here.

Consistent with the requirements of the Rental Housing Act of 1985, we are enclosing the "Housing Provider's Notice to Tenants of Adjustment in Rent Charged."

If you are a legal resident 62 years of age or older, or have a disability, please provide legal proof of your age or your disability, along with the completed Tenant's Notice of Elderly or Disabled Status form. You can acquire this form from the District of Columbia's Department of Housing and Community Development (DHCD) or you may request a copy from our office. Once this form has been approved by the DHCD, you will be eligible to receive the CPI-only increase. If you have already completed this form and it has been approved, you do not have to do so again.

If you choose to stay with us, and you allow your lease to go month to month, your monthly rent will be the "new rent charged" provided on the enclosed "Housing Provider's Notice to Tenant of Adjustment in Rent Charged." If you are interested in learning more about securing a rent concession and/or a new term lease, please let us know. We will be happy to go over those options with you.

The "new rent charged" on the enclosed Notice is the Monthly Apartment Rent and does not include additional charges for items such as parking, pet rent or storage.

If you are planning to move out at the end of your lease, please let us know, in writing, at least 60 days before your lease end date. If noted in your current lease, you'll be charged for insufficient notice if you haven't notified us within this timeframe (subject to adjustment if a new resident moves in).

Please note that when you stay on a month-to-month basis or sign renewal lease, if you had previously authorized a recurring payment, the Maximum Debit Amount will adjust based on your new rates. **If you are pregnant or have a child under six (6) who lives in your apartment or regularly visits, please notify us so that we can take the necessary steps under the District of Columbia's lead-based paint requirements.**

Lastly, Equity Residential is now reporting rental payments using TransUnion ResidentCredit for leases starting on or after February 1, 2016. For more information, please see the Build your credit with Equity Residential flyer included in this packet.

We hope you will continue living here, and we look forward to providing you a comfortable and very satisfying living experience. Please call or visit us to discuss your plans. Thank you!

Sincerely,

The management team at 3003 Van Ness

EXHIBIT 128

Smith Property Holdings Van Ness L.P.
3003 Van Ness Street NW
Washington, DC 20008

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

HOUSING PROVIDER'S NOTICE TO TENANTS OF ADJUSTMENT IN RENT CHARGED

Harry Gural
3003 Van Ness Street, N.W. Apt # S0707
Washington, DC 20008

Date: 01/15/2016

IF YOU ARE ELDERLY OR DISABLED, CONTACT YOUR HOUSING PROVIDER TO COMPLETE A "NOTICE OF ELDERLY OR DISABLED STATUS" FORM, AND GIVE A COPY TO YOUR HOUSING PROVIDER. THIS FORM IS ALSO AVAILABLE FROM THE RENTAL ACCOMMODATIONS DIVISION.

Dear Tenants(s):

In accordance with the provisions of the Rental Housing Act of 1985, as amended (Act), the rent charged for your rental unit will be adjusted as set forth below:

Your current rent charged is:	\$ 2,118
The dollar adjustment in your rent charged is:	\$ 74
The percentage adjustment in your rent charged	3.50 %
Your new rent charged is:	\$ 2,192
The effective date is:	04/01/2016

The basis of the adjustment in rent charged is as follows [check one]:

Under section 206(b) and 208(h) of the Act (D.C. OFFICIAL CODE §§ 42-3502.06(b) & 42-3502.08(h)(2) (Supp. 2008), the increase in rent charged is based on the increase in the Consumer Price Index (CPI-W). For tenants qualified under the Act as elderly or disabled, the maximum increase in rent charged is the lesser of the CPI-W percentage, or 5% of the current allowable rent charged. For other tenants, the maximum percentage increase in rent charged is the CPI-W percentage plus 2%, but the total increase shall not be more than 10% of the current allowable rent charged. The Rental Housing Commission (RHC) determines the annual adjustment of general applicability in the rent charged established by Section 206(b) for each Rental Unit, which shall be equal to the change during the previous calendar year in the Washington, D.C. Standard Metropolitan Statistical Area (SMSA) Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). The CPI-W percentage published by the Rental Housing Commission for May 2015 through April 2016 is 1.5%.

Alternatively, a housing provider may seek an allowable rent adjustment under other provisions of the Act, including petitions based on capital improvements, changes in services and/or facilities, hardship, substantial rehabilitation or voluntary agreement with 70% of the tenants.

The adjustment in rent charged is based on the following provision of the Act:

Section of Act	Type of Increase	\$ Increase Authorized
Effective date of Authorization	Case number and Date of Decision, if applicable	

Section of Act	Description
208(h)(2)	Annual Increase of General Applicability (CPI-W based)
210	Capital Improvement
211	Change in Services/Facilities
212	Hardship Petition
213(a)(1)	Vacancy (10% Increase)
213(a)(2)*	Highest Comparable Vacancy (Up to 30% Increase)
214	Substantial Rehabilitation
215	Voluntary Agreement

The Housing Provider certifies that (1) at least one (1) year has passed since the last rent adjustment (except for any vacancy increases); (2) the Rental Unit and the common elements of the Housing Accommodation are in substantial compliance with the Housing Code of the District of Columbia at the time that the adjustment is implemented, or that any non-compliance is the result of Tenant neglect or misconduct; and (3) the rent adjustment is in compliance with all other provisions of the Act.

You have the right to request that the Rental Accommodations Division (RAD) review this notice. You may contact RAD at 202-442-9505. Walk-in assistance is available Monday through Friday from 8:30 am to 3:30 pm in the Housing Resource Center located at 1800 Martin Luther King Jr. Avenue SE, Washington, DC 20020. A more detailed summary of Tenant rights and sources of technical assistance are available in the RAD pamphlet entitled "What You Should Know about Rent Control in the District of Columbia," which is available from the Housing Provider, the RAD office, and online at www.dhcd.dc.gov.

Certificate of Occupancy Number (if applicable):
B175541

Basic Business License Number: 54002038

RAD Registration Number: 54002038

Housing Provider's Business Address
(No P.O. Box):


Smith Property Holdings Van Ness L.P.
3003 Van Ness Street NW
Washington, DC 20008

Equity Residential

Housing Provider's Name (print)

Owner Authorized Agent

Other Title (if applicable): _____



Housing Provider's Signature

202-244-3100, aduvall@eqr.com

Housing Provider's Telephone Number and E-mail address:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Tenant's Motion to Refile Two Exhibits with Missing Pages was served on this 11th day of March, 2024, by email upon:

Spencer B. Ritchie (D.C. Bar No. 167352)
Richard W. Luchs (D.C. Bar No. 243931)
Greenstein, DeLorme and Luchs
801 17th Street, N.W., Suite 1000
Washington, DC 20006-3967



March 11, 2024

Harry Gural
Tenant/Petitioner, *pro se*

3003 Van Ness St, NW #S-707
Washington, DC 20008