

Housing Conditions Cases During COVID-19

This packet tells you how Housing Conditions Court usually works. But, during COVID-19, there are a few big differences:



1. You can file your court papers by email. You can file in person, as explained on page 5. But, you can also file by email. Email your court papers, along with any photos or videos of the conditions, to civilefilings@dsc.gov. *You can also leave paper copies of the documents in the drop box on the first floor of Moultrie Courthouse, 500 Indiana Avenue NW.*



2. All hearings are now virtual. The Court isn't having in-person hearings for safety reasons. So, every hearing in your case will be held as a video/telephone conference that you can join using a computer or phone. If you do not have access to a computer or if you cannot join the hearing by video, you can still call in and take part by phone. The Court will give you information on how to join the virtual hearing before your hearing.



3. All housing inspections are also virtual unless you ask for an in-person inspection. The housing inspector assigned to the Court may need to inspect your home. If she does, you or someone in your household will need to use FaceTime or Google Duo to show her the conditions in your home. If you want them to come to your home in person, ask the judge for an in-person inspection.

Otherwise, the information included in this packet is mostly the same. All of the documents you may need are included here. If you have questions, call the Court Clerk at (202) 879-1133.

Good luck!



Legal Aid Society
OF THE DISTRICT OF COLUMBIA

MAKING JUSTICE REAL

Tenant's Guide to Housing Conditions Cases

July 2021

1331 H Street NW, Suite 350 | Washington, DC 20005 | 202-628-1161

Please Note

This packet tells you how you can sue your landlords to make repairs in D.C. Superior Court.

This packet does not contain legal advice.

This guide contains legal information. Legal information is background about your rights. Legal advice is advice from a lawyer about what to do in your own specific situation.

Legal Aid is not your lawyer in your housing conditions matter. To find out about help that may be available, please contact the D.C. Bar Legal Information Helpline at (202) 626-3499 or go to www.LawHelp.org/DC.

What's in this Packet?

This packet tells you how to sue your landlord if they won't make repairs.

- Pages 1-2 tell you about Housing Conditions Court.
- Pages 3-5 tell you how to file a case.
- Pages 6-7 tell you what happens after you file your case.
- After that, this packet has forms you can use to file your case.



What is Housing Conditions Court?

Housing Conditions Court lets you sue your landlord to fix housing code violations. It's part of the D.C. Superior Court.

In-person hearings are held in Building B at 510 4th Street NW in Courtroom 52 on the second floor (near the Judiciary Square metro station). All hearings in Housing Conditions Court are scheduled for Tuesdays.



Should I File a Housing Conditions Court Case?

File a case if you want to sue your landlord for not making needed repairs or not taking other steps to fix housing code violations (like rodent or bug infestations). The judge can order your landlord to make repairs. The judge should make sure that the landlord makes all needed repairs.

A Housing Conditions case is **just about repairs**. The judge will **not** decide:

- Anything about eviction, unpaid rent, or possible lease violations. *If your landlord wants to evict you, they have to file a different kind of case.*
- Whether your landlord owes you money.



If I File a Case, Will My Landlord Try and Evict Me?

It's illegal for a landlord to try to evict you just because you complained about problems in your home or filed a Housing Conditions case. But, suing your landlord might make them more likely to try to evict you if you are behind in your rent. If you're worried that your landlord might try to evict you, call:

- Legal Aid at 202-628-1161; **or**
- The Landlord Tenant Legal Assistance Network (LTLAN) at 202-780-2575.



If My Landlord Filed an Eviction Case Against Me, Can I Still File a Housing Conditions Case?

No. If your landlord already sued you in Landlord and Tenant Court for not paying your rent, you **can't** file a Housing Conditions case. But, you can bring up the housing code violations as a “defense” or “counterclaim” against your landlord.

If you're sued for eviction, call Legal Aid at 202-628-1161 or the Landlord Tenant Legal Assistance Network (LTLAN) at 202-780-2575.

Do I Need a Lawyer to File a Housing Conditions Case?

No. Lots of tenants go to these hearings without a lawyer. You will be able to make your case, even without a lawyer.



What Should I Do Before I File a Case?

1. **If you can, take pictures of all the problems in your apartment.** Make sure to save these pictures.
2. **Make sure your landlord knows about all the problems in your apartment.** If you can, complain about these problems in writing. Emails or text messages can be a good way to complain to your landlord about the problems in your apartment. Make sure to save these emails and texts.



I Want to File a Housing Conditions Case. Who Do I Sue?

You can sue the person or company you usually contact when you want repairs made. You can also sue the person or company that you pay your rent to. You can sue the property management company, the owner, or both.

Even if you only sue the owner, tell the property management company (if you have one) about the case and the first hearing date.



What Forms Do I Need to Fill Out to File a Case?

You have to file three forms. *All of these forms are attached at the end of this packet.* Know that any document you file with the Court could end up being public.

1. **Fee Waiver Application** (*if you're asking the Court to waive your fees*). File this form first so you don't have to pay to file the other forms. The Court calls this form an "Application to Proceed Without Prepayment of Costs, Fees, or Security."
2. **Summons.** This form tells the person or company you're suing that you've filed a case against them. It tells them when the first court date is.

If you sue both the owner and the property manager, fill out a summons for each of them. *But it's ok to sue just the owner or just the property manager. You don't need to sue them both.*

Don't fill out the court date on the summons. The clerk will fill it in for you after you file your case.

3. **Complaint.** This form tells the person or company you're suing **why** you're suing them. It has checkboxes for common problems and space for you to fill in the details.



What If The Housing Conditions Are an Emergency?

If the conditions in your home are so bad that you can't wait for the first hearing date, ask for a Temporary Restraining Order (a "TRO" for short). A TRO is an emergency order that requires the landlord to make repairs before your first court date.

Conditions that might cause a judge to order a TRO are things like:

- **No heat in winter;**
- **No utilities that the landlord must give you;**
- **Major water leaks; or**
- **Other serious and life-threatening violations.**

To ask for a TRO: Fill out the TRO application (the last form in this packet) along with all the other forms. Follow the instructions on page 5 to file these forms.

You do have to try to let the landlord know about the hearing. One way to do this is by **serving** your landlord with the court papers (learn more about **serving** your landlord on the next page). If you don't have time to serve the landlord before the hearing, complete a "Certificate of Notice" instead. Ask for a copy of this from the clerk in Room 4220.

What happens after you file for a TRO: The hearing on the TRO will be scheduled with Judge-in-Chambers in Room 4220 (4th Floor) of the Moultrie Courthouse.



Does It Cost Money to File a Housing Conditions Case?

It depends. Filing a Housing Conditions case costs \$15. But, you can ask for a **fee waiver** to file for free. The fee waiver form is included in this packet.

If you get one of these benefits, you should be able to file a case for free:

- Temporary Assistance for Needy Families (TANF)
- Supplemental Security Income (SSI)
- Program on Work, Employment, and Responsibility (POWER)
- Medicaid
- DC Healthcare Alliance
- Interim Disability Assistance (IDA)
- General Assistance for Children (GAC)

If you don't get any of these benefits, **you can still apply for a fee waiver**. But you have to give more information about your income, expenses, and family members. Then, the court will decide if you have to pay the \$15 and any other costs.

A fee waiver can be helpful because it means the Court can help you with serving the landlord. **Learn about serving your landlord on the next page.**

How Do I File My Case?



Step 1: Fill out the Complaint, Summons, and Fee Waiver (plus the TRO form if it's an emergency). *All of these forms are at the end of this packet.*

Step 2: Go to the Moultrie Courthouse, 500 Indiana Avenue NW.

Step 3: If you're filing a fee waiver, take it to Room 4220 (4th Floor). Tell the clerks you're filing a housing conditions case and that you have a fee waiver application. Once the judge approves your fee waiver, you can go to step 4.

Step 4: File the summons and complaint (and a TRO application, if you're filing one) at the Civil Clerk's Office, Room 5000 (5th Floor). *This office is open Monday to Friday, 8:30 a.m. to 5 p.m., and on Saturdays, 9 a.m. to 12 p.m..* The clerk can answer logistical questions, but they can't give you legal advice about how to argue your case. *The clerk will write your first hearing date on the summons and complaint.*



What Do I Do with the Forms After I File Them?

Before your case can begin, you have to "serve" your landlord. "Serving" someone means giving them a copy of the summons and complaint.

If . . .	Then . . .
Your fee waiver was approved.	The Court will serve your landlord. <i>Give the Court the address for everyone you're suing. If the Court doesn't serve your landlord, you need to serve them. See below.</i>
You did not get a fee waiver.	You have to serve your landlord. <i>See below.</i>

If you didn't get a fee waiver, you can serve your landlord in one of two ways:

- **Option 1: Send the summons and complaint to the defendant by certified mail with a return receipt requested.**
- **Option 2: Ask someone else to give your landlord the summons and complaint in person.** *You're not allowed to do this yourself.* You can ask a friend or a family member as long as they're over 18 and don't live with you. *This person should serve the papers at least 8 days before your first hearing.*

At least 3 days before your hearing, file an "affidavit of service" with the clerk's office. This is a paper that says how and when the defendant was served. Get this form from the court clerk's office. Whoever served the complaint needs to fill it out.

If you couldn't serve your landlord before your court date, you should still show up. Explain the situation to the judge. Ask for more time. The judge will likely set a new hearing in a few weeks. If you got a fee waiver, tell the judge. Make sure the Court has the right address for your landlord.



What Should I Expect at My First Hearing?

What you'll do:

You'll tell the judge what needs to be fixed. Be ready to talk about:

- All the repairs you need in your home right now. *Don't talk about the things your landlord already fixed.*
- How your landlord knows or should know about the repair needs. *(For example, did you tell your landlord in writing about the problem? When?)*

Try not to talk about issues between you and your landlord that don't have anything to do with repairs. The judge will only want to hear about current housing code violations.

Sometimes, the judge won't want to hear about each problem and will want you and your landlord to quickly agree on a date for a home inspection instead.

What the judge will do:

The judge will schedule a time for a housing inspector to go to your home. A housing inspector will be in the courtroom. Be ready to tell the judge what days and times you are available for the inspector to come to your home. Your landlord (or the landlord's lawyer) will also come to your home for the inspection. The judge will try to schedule the inspection as soon as possible.

The judge will schedule a "status hearing" (to check on the repairs) about a month after your first hearing. Be ready to tell the judge what days you can come back to court for a status hearing.



How Should I Prepare for the Home Inspection?

Make sure you can be home during the inspection. Before the inspection, you should:

- **Clean your home.** *The inspector can cite you for poor housekeeping or unsafe use of extension cords.*
- **Move things out of the way** to help the inspector see what repairs are needed.

Point out areas and problems the inspector may not have noticed. If the inspector doesn't see the problems, they may tell the judge that there aren't any problems. Your landlord, the landlord's lawyer, or both will likely be in your home for the inspection.

The housing inspector will write a report based on her inspection and email it to you, the landlord, and the judge. The report will list all violations that the inspector saw and recommend what the landlord must do to fix each one.



What Are Status Hearings?

You will have status hearings once every few weeks until all of the repairs are made. You and your landlord will tell the judge about the progress of repairs and what still needs repair. At the end of each hearing, the Judge will set a date for the next one.

If you need to reschedule a status hearing, call the Court Clerk at (202) 879-1133 *as soon as possible*. Explain you can't make it to your status hearing. Ask to reschedule.

If you don't go to the status hearing, the judge might dismiss your case.



What Should I Bring to the Status Hearings?

If you have pictures of the problems in your home, bring those with you. Also bring any emails or texts you sent your landlord about the problems in your home.

If your hearing happens online or on the phone, you can try to email any relevant pictures, emails, or texts to the inspector, the judge's clerk, and to the landlord. It is a good idea to ask for the email addresses for all these people at the first hearing.



What If the Judge Ordered My Landlord to Make Repairs, But My Landlord Isn't Making Them?

If the Judge ordered the landlord to make repairs and the landlord hasn't done so, you can ask the Judge to **reduce your rent** while your landlord makes the repairs, or for some other penalty. You can ask the judge this at a status hearing.



Should I Stop Paying Rent if My Landlord Isn't Making Repairs?

If your home isn't being kept up to the standards required by the housing code, you might have the right to reduce the amount of rent you pay until repairs are made. But, **if you don't pay all your rent to your landlord, it's possible your landlord may try to evict you**. If you're sued for eviction, call Legal Aid at 202-628-1161 or the Landlord Tenant Legal Assistance Network (LTLAN) at 202-780-2575.

If you decide to hold back some of your rent payments until repairs are finished, **make sure to save that money so you can pay to stop an eviction if necessary**.



All of the Repairs Are Done. What Should I Do?

Once all repairs are made, ask for the case to be **dismissed** at the next status hearing.

Good luck! Go to the next page to get the forms you need to file your case.

The rest of the packet has forms you can use in your case. These are the forms in the packet:

1. **Summons (“Summons to Appear in Court and Notice of Hearing”).** This is one of the forms you file to start your case.
2. **Complaint (“Verified Complaint to Enforce Housing Code Regulations”).** This is the other form you file to start your case.
3. **Fee Waiver Form (“Application to Proceed Without Prepayment of Costs, Fees, or Security”).** Use this form to ask the Court to waive your fees. File it at the beginning of your case.
4. **Application for a Temporary Restraining Order.** Use this form at the start of your case if your situation is an *emergency*.

The Summons

Fill out this form at the beginning of your case. Its purpose is to let your landlord know about the lawsuit.



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Civil Division – Civil Actions Branch

500 Indiana Ave., N.W., Room 5000, Washington, D.C. 20001

Telephone Number: (202) 879-1133 Website: www.dccourts.gov

Case No. CA _____

vs.

Plaintiff(s)/Tenant(s)

Defendant(s)/Landlord(s)

Address (No post office boxes)

Address

City State Zip Code

City State Zip Code

Telephone Number Email Address

Telephone Number (if known) Email Address (if known)

SUMMONS TO APPEAR IN COURT AND NOTICE OF HEARING

TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR ON _____ AT 9:00 A.M.
PROMPTLY, in Courtroom 52, Court Building B, 510 4th Street, N.W.

1. You are being sued on a Complaint to Enforce Housing Code Regulations.
2. This paper is a Summons in a lawsuit filed by Plaintiff seeking an order of the Court requiring repairs to a housing accommodation in the District of Columbia.
3. The Complaint attached to this Summons states the grounds claimed by Plaintiff. If the Complaint is not attached, a copy is available in the Civil Actions Branch Clerk's Office, 500 Indiana Ave., NW, Room 5000.
4. If you, or your attorney, do not appear on the date and time listed above, a default judgment may be entered against you for the relief demanded in the Complaint, which is an order requiring you to repair the premises occupied by Plaintiff.
5. You are not required to file a written answer to this Complaint. If you wish to file an answer, you may file a written answer within twenty one (21) days after service of this summons upon you in the Civil Actions Branch Clerk's Office, 500 Indiana Ave., NW, Room 5000, and mail a copy to Plaintiff or, if Plaintiff has an attorney, to Plaintiff's attorney.
6. **Court employees are not permitted to give advice on legal questions.**

PLEASE SEE THE BACK OF THIS FORM FOR IMPORTANT INFORMATION ABOUT THE COURT PROCESS. IF YOU HAVE ANY ADDITIONAL QUESTIONS ABOUT THE SUMMONS AND COMPLAINT, OR YOUR RIGHTS AND RESPONSIBILITIES, PLEASE CONSULT AN ATTORNEY PROMPTLY.

CITATORIO DE COMPARENCIA EN EL TRIBUNAL Y NOTIFICACIÓN DE AUDIENCIA

AL SUSODICHO DEMANDADO: POR LA PRESENTE SE LE CITA A COMPARECER EL DÍA A LAS 9:00 A.M. EN PUNTO en la Sala 52, Edificio "B" del Tribunal, 510 Calle 4, N.W.

1. Usted está siendo demandado sobre una Demanda para que se Cumplan los Reglamentos del Código de Vivienda.
2. Este documento es un Citatorio en una demanda presentada por el Demandante, quien solicita una Orden del Juez para que se requieran reparaciones a una vivienda en el Distrito de Columbia.
3. La Demanda adjuntada a este Citatorio declara los fundamentos presentados por el Demandante. Si no está adjunta la Demanda, habrá una copia en la Secretaría de la Sección de Demandas Civiles, 500 Indiana Ave., NW, Oficina 5000.
4. Si usted o su abogado no comparecen en la fecha y a la hora señaladas, se podría dictar un fallo en rebeldía contra usted para que se decrete el desagravio pretendido en la Demanda, lo cual es una orden que le manda reparar la vivienda que ocupa el Demandante.
5. Usted no está obligado a presentar una contestación escrita a esta Demanda. Si usted desea presentar una contestación, puede presentar una contestación escrita dentro de los veintidós (21) días siguientes a su recibo de este citatorio en la Secretaría de la Sección de Demandas Civiles, 500 Indiana Ave., NW, Oficina 5000 y enviarle una copia por correo al Demandante o, si el Demandante está representado por abogado, enviarle copia a ese abogado.
6. **A los empleados del tribunal no se les permite asesorar sobre cuestiones jurídicas.**

AL DORSO VERÁ INFORMACIÓN IMPORTANTE SOBRE EL PROCESO JUDICIAL. SI TIENE MÁS PREGUNTAS SOBRE EL CITATORIO Y LA DEMANDA O SOBRE SUS DERECHOS Y DEBERES, CONSÚLTELE A UN ABOGADO LO ANTES POSIBLE.

Plaintiff/Plaintiff's Attorney Demandante/Abogado del Demandante Bar No.

CLERK OF THE COURT (Secretario de Actas)

Address (Dirección) Zip Code (Código postal)

Phone No. (Teléfono) Email Address

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IMPORTANT INFORMATION - PLEASE READ CAREFULLY

BEFORE YOU COME TO COURT: Before your court date, contact an agency for legal assistance, such as **Neighborhood Legal Services (202) 269-5100** or **D.C. Bar Legal Information Help Line (202) 626-3499** or go to www.lawhelp.org/dc to learn about settlement options, legal defenses, presenting your case and more information about your rights. **Landlords and tenants may also visit the Landlord Tenant Resource Center located at 510 4th Street, NW, Bldg. B, Room 208 (202) 508-1710.** The Resource Center provides legal information from attorneys at no charge and is open from 9:15 a.m. to Noon, Mon. – Fri.

A TENANT OR OCCUPANT OF YOUR PROPERTY HAS SUED TO ENFORCE THE HOUSING CODE REGULATIONS. COME TO COURT ON THE DATE YOUR SUMMONS REQUIRES YOU TO APPEAR: Come to court even if you think you have made all necessary repairs to the property and/or that the property is in compliance with the Housing Code. If you do not come to court, or if you are late, a default judgment may be entered against you ordering repairs to the property.

YOU MUST BE IN THE COURTROOM PROMPTLY AT 9:00 AM AND YOU SHOULD EXPECT TO BE IN COURT FOR SEVERAL HOURS: Check in with the courtroom clerk. If you get to court late, tell the clerk immediately that you have arrived. If a default has been entered against you, try to speak to a private lawyer or a lawyer in the Landlord Tenant Resource Center (Building B, Room 208, 510 4th Street N.W.) and/or file a "Motion to Vacate Default" in the Civil Actions Branch Clerk's Office, 500 Indiana Ave., NW, Room 5000.

BRING ALL PAPERS RELATING TO YOUR CASE TO COURT: *Bring this document and the Complaint attached to this document with you to court every time you appear.* Also, bring all papers related to your case, such as your lease, rent receipts, pictures or anything else that will explain your side of the case to the judge. You do not need to bring witnesses to the first court hearing.

WHEN YOU GET TO COURT: Neither party is required to make any agreement in this case. If you make an agreement with the Plaintiff, be sure that all promises you or the Plaintiff make are in writing before you sign the agreement. If you do not want to make an agreement or cannot reach an agreement, your case will be called before the judge where you may present any defenses or make any requests.

IF YOU HAVE AN EMERGENCY AND CANNOT COME TO COURT OR GET THERE ON TIME: Call the clerk immediately at (202) 879-1750. Come to court as soon as you can and ask for help.

PERSONS WITH DISABILITIES: If you have a disability as defined by the Americans with Disabilities Act (ADA) and you require an accommodation, please call (202) 879-1700.

INTERPRETATION SERVICES: If you need language interpretation services for any language other than Spanish, please call (202) 879-4828 as soon as you get these papers. If you need a Sign Language Interpreter, call (202) 879-1492 or (202) 879-1656 (TDD).

CHILD CARE: A Child Care Center is in the main courthouse (500 Indiana Ave., NW, Room C-185). Call (202) 879-1759 or visit <https://www.dccourts.gov/jurors/arranging-child-care> for information, qualification requirements, and registration.

INFORMACIÓN IMPORTANTE - POR FAVOR LEA CON ATENCIÓN

ANTES DE PRESENTARSE AL TRIBUNAL: Antes de su audiencia, comuníquese con una de las entidades de servicios legales, tales como el Neighborhood Legal Services (202) 269-5100 o el D.C. Bar Legal Information Help Line (202) 626-3499 o al www.lawhelp.org/dc para enterarse de las opciones de común acuerdo, sus defensas, cómo presentar su caso e información adicional sobre sus derechos. Los arrendadores e inquilinos pueden acudir al Centro de Recursos de Arrendador e Inquilinos, sito en 510 Calle 4, NW, Edificio B, Oficina 208, (202) 508-1710. El Centro de Recursos cuenta con abogados que le ofrecen información jurídica gratuita. Atención: 9:15 a.m. a 12:00 p.m. de lunes a viernes.

ALGÚN INQUILINO O MORADOR EN SU PROPIEDAD ENTABLÓ UNA DEMANDA PARA QUE SE CUMPLAN LOS REGLAMENTOS DEL CÓDIGO DE VIVIENDA. COMPAREZCA AL TRIBUNAL EN LA FECHA QUE SE LE INDICA EN EL CITATORIO: Comparezca al tribunal incluso si cree que ha hecho todas las reparaciones necesarias a la propiedad y que la propiedad cumple con el Código de Vivienda. Si no comparece, o si llega tarde, podría asentarse un fallo por rebeldía contra usted, ordenándosele que haga las reparaciones en la propiedad.

COMPAREZCA EN SALA PUNTUALMENTE A LAS 9:00 AM Y ANTICIPE QUE ESTARÁ EN EL JUZGADO VARIAS HORAS: Si llega tarde, avísele al secretario que acaba de llegar. Si se ha emitido un fallo en su contra por incomparecencia, intente hablar con un abogado particular o con uno en el Centro de Recursos para Arrendadores e Inquilinos (Edificio B, Oficina 208, 510 4th Street, N.W.) y/o presente una Petición para Desestimar Fallo por Rebeldía (*Motion to Vacate Default*) en la Secretaría de la Sección de Demandas Civiles, 500 Indiana Avenue, N.W., Oficina 5000.

TRAIGA CONSIGO TODOS LOS DOCUMENTOS PERTINENTES A SU CASO: *Cada vez que comparezca, traiga este documento, al igual que la demanda adjunta.* También traiga todos los documentos pertinentes a su caso, como lo son el contrato, recibos del pago de alquiler, fotos o cualquier otra cosa que le explique al juez su parte de la causa. No tiene que traer testigos a la primera audiencia.

CUANDO LLEGUE AL TRIBUNAL: No se le exige a ninguna parte que llegue a un acuerdo en el caso. Si llega a un acuerdo con el demandante, asegúrese que todas sus promesas y las del demandante estén escritas antes de firmar el acuerdo. Si no desea o no pueden llegar a un acuerdo, su caso será ventilado ante el juez y ahí podrá presentar cualquier defensa o hacer cualquier petición.

SI TIENE UNA EMERGENCIA Y NO PUEDE LLEGAR AL TRIBUNAL O NO PUEDE LLEGAR A TIEMPO: Llame de inmediato a la secretaria al (202) 879-1750. Diríjase al tribunal lo más pronto posible y pida ayuda.

PERSONAS CON DISCAPACIDADES: Si tiene una discapacidad definida por la Ley para Estadounidenses con Discapacidades (ADA por sus siglas en inglés) y requiere de un acomodo, sírvase llamar al (202) 879-1700.

SERVICIOS DE INTERPRETACIÓN: Si necesita servicio de intérprete para un idioma que no sea el español, favor de llamar al (202) 879-4828 apenas reciba estos documentos. Si necesita intérprete de señas comuníquese al (202) 879-1492 o al (202) 879-1656 (TDD).

GUARDERÍA INFANTIL: Hay una Guardería Infantil en el tribunal principal (500 Av. Indiana, NW, C-185). Informe al (202) 879-1759 o ver el sitio web, <https://www.dccourts.gov/es/jurors/arranging-child-care> para información, requisitos e inscripción.

The Complaint

Fill out this form at the beginning of your case. In this form you have to say (1) what the housing problems are and (2) why you think your landlord knows about these problems.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION
CIVIL ACTIONS BRANCH**

500 Indiana Avenue, N.W., Room 5000, Washington, DC 20001 Telephone (202) 879-1133 www.dccourts.gov

Case No. CA _____

_____ Plaintiff(s)/Tenant(s) _____ Address (No post office boxes) _____ City _____ State _____ Zip Code _____ _____ Phone Number _____	vs.	_____ Defendant(s)/Landlord(s) _____ Address _____ _____ City _____ State _____ Zip Code _____ _____ Phone Number (if known) _____
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VERIFIED COMPLAINT TO ENFORCE HOUSING CODE REGULATIONS

DISTRICT OF COLUMBIA, ss:

1. I, (name, address, and phone #) _____, swear or affirm, under penalties of perjury, that I have knowledge of the facts set forth in this Complaint and that I am: ☐ Tenant **or** ☐ an attorney authorized to make this verification **or** ☐ a person who has a right to demand that the Defendant/Landlord complete repairs to the rental unit because _____.
2. Upon information and belief, the Defendant/Landlord is responsible for maintaining the rental unit at (address) _____ in compliance with the Housing Code Regulations.
3. I verify that the rental unit **currently contains** housing code violations including, but not limited to those listed in the Housing Code Violations Addendum **attached to the Complaint**.
4. I believe the Defendant/Landlord is aware, or should be aware, of the violations listed in the Housing Code Violation Addendum for one or more of the following reasons (check all that apply):
 - ☐ I spoke directly with the Defendant/Landlord or his/her representative: (name of person, if known) _____.
 - ☐ I sent a letter to or left a note for the Defendant/Landlord, or his/her representative, at: (last known address) _____.
 - ☐ I left, or attempted to leave, a voicemail with the Defendant/Landlord at: (phone number) _____.
 - ☐ I sent an email to the Defendant/Landlord at: (email address) _____.
 - ☐ The Defendant/Landlord or his/her agent has personally observed the conditions or otherwise knew about the listed violations because: (explain) _____.
 - ☐ Other: (explain) _____.
5. **Optional:** The Defendant/Landlord may:
 - ☐ Enter my rental unit on any date between 9:00 a.m. and 5:00 p.m., Mon. – Fri., for the purpose of inspection and repairs.
 - ☐ Contact me at (phone #) _____ to arrange a time and date to enter my rental unit for inspection and repairs.

Therefore, Plaintiff/Tenant asks the Court for an order to repair all of the housing code violations in the unit within a time to be determined by the Court.

Subscribed & sworn to before me this _____ day of _____, 20_____

Plaintiff/Plaintiff's Attorney Date

Notary Public/Deputy Clerk _____ My Commission expires _____

Important Note to Parties: Court of Appeals Rule 49 and Superior Court Rule of Civil Procedure 101 prohibit the unauthorized practice of law. Any person who is not a lawyer in good standing in the District of Columbia should be aware that he or she could be engaging in the unauthorized practice of law if he or she acts on behalf of another for any purpose other than to request a continuance.

_____	_____
Plaintiff/Plaintiff's Attorney	Unified Bar No.
_____	_____
Address	Zip Code
_____	_____
Phone No.	Email Address (required only for attorneys)

CLERK OF THE COURT



NOTICE TO DEFENDANTS

Please note that you should have received with this Complaint an additional form entitled “**Summons to Appear in Court and Notice of Hearing**.” If you did not receive the Summons, *immediately* call the Civil Action Branch Clerk’s Office at 202-879-1133 to learn what date you are required to appear in Court to respond to this Complaint.

AVISO A LOS DEMANDADOS

Sírvanse tomar nota, que junto con la Demanda, deben haber recibido un formulario adicional, titulado “**Citatorio para Comparecer en el Juzgado y Aviso de Audiencia**”. Si no recibió el Citatorio, llame *inmediatamente* a la Secretaría de Actas de Demandas Civiles, al 202-879-1133 para enterarse de la fecha en que tiene que comparecer ante el Juzgado para contestar esta Demanda.

HOUSING CODE VIOLATION ADDENDUM

The Tenant/Plaintiff **must complete** this form and attach it to the Complaint. Please be as **accurate and specific** as possible when identifying the **location (room or common areas) and/or nature** of the problems with the rental unit.

Heating, Lighting, Ventilation 14 D.C.M.R. § 500 et seq.

- | | |
|---|--|
| <input type="checkbox"/> Inadequate heating (<i>location</i>) _____ | <input type="checkbox"/> Inadequate ventilation (<i>location</i>) _____ |
| <input type="checkbox"/> Lack of windows (<i>location</i>) _____ | <input type="checkbox"/> Inadequate air conditioning (<i>location</i>) _____ |

Plumbing, Utilities 14 D.C.M.R. § 600 et seq.

- | | |
|---|--|
| <input type="checkbox"/> Plumbing (leaks from inside the unit) (<i>location</i>) _____ | <input type="checkbox"/> Broken or not functioning shower/bath tub |
| <input type="checkbox"/> Plumbing (leaks from outside the unit) (<i>location</i>) _____ | <input type="checkbox"/> Broken or not functioning sinks (<i>location</i>) _____ |
| <input type="checkbox"/> Lack of waterproof floor in the bathroom | <input type="checkbox"/> Inadequate or broken electrical outlets (<i>location</i>) _____ |
| <input type="checkbox"/> Broken or stopped toilet (<i>location</i>) _____ | <input type="checkbox"/> Inadequate hot water (<i>location</i>) _____ |

Construction, Maintenance, Repairs 14 D.C.M.R. § 700 et seq.

- | | |
|--|---|
| <input type="checkbox"/> Walkway in disrepair (<i>explain</i>) _____ | <input type="checkbox"/> Broken or not functioning windows (common areas) (<i>location</i>) _____ |
| <input type="checkbox"/> Roof/chimney requires repair (<i>explain</i>) _____ | <input type="checkbox"/> Broken or not functioning windows (<i>location</i>) _____ |
| <input type="checkbox"/> Gutters/drainage clogged, leaking or missing | <input type="checkbox"/> Broken doors or locks (exterior) (<i>location</i>) _____ |
| <input type="checkbox"/> Cracks or holes exterior walls (<i>location</i>) _____ | <input type="checkbox"/> Broken doors or locks (interior) (<i>location</i>) _____ |
| <input type="checkbox"/> Cracks or holes interior walls (<i>location</i>) _____ | <input type="checkbox"/> Broken or not functioning kitchen appliances (stove/oven, refrigerator/freezer) (<i>explain</i>) _____ |
| <input type="checkbox"/> Peeling paint (<i>location</i>) _____ | <input type="checkbox"/> Broken kitchen cabinets (<i>explain</i>) _____ |
| <input type="checkbox"/> Mold or mildew (<i>location</i>) _____ | |
| <input type="checkbox"/> Broken, uneven or unrepaired floors (<i>location</i>) _____ | |
| <input type="checkbox"/> Cracks, holes or sagging ceilings (<i>location</i>) _____ | |
| <input type="checkbox"/> Broken stairways/steps/porches (<i>location</i>) _____ | |

Cleanliness, Sanitation and Safety 14 D.C.M.R. § 800 et seq.

- | | |
|---|---|
| <input type="checkbox"/> Dirt/dust/filth/garbage in common areas or for which the landlord is responsible | <input type="checkbox"/> Insect infestation (<i>explain</i>) _____ |
| <input type="checkbox"/> Inadequate garbage storage facilities | <input type="checkbox"/> Window screens (missing/holes) (<i>location</i>) _____ |
| <input type="checkbox"/> Rodents/mice (<i>explain</i>) _____ | <input type="checkbox"/> Broken sheds and fences (<i>explain</i>) _____ |

Safety and Fire Prevention 14 D.C.M.R. § 900 et seq.

- | | |
|--|--|
| <input type="checkbox"/> Missing fire extinguisher (<i>location</i>) _____ | <input type="checkbox"/> Broken or missing emergency and exit lights |
| <input type="checkbox"/> Broken or obstructed fire escapes/stairways | <input type="checkbox"/> Broken or missing fire alarm |

Apartments and Apartment Housing 14 D.C.M.R. § 1200 et seq.

- | | |
|--|---|
| <input type="checkbox"/> Apartment unit not numbered | <input type="checkbox"/> Broken/damaged elevator (<i>explain</i>) _____ |
| <input type="checkbox"/> Broken mail receptacle (<i>explain</i>) _____ | |

Other Housing Code Violations

- ☐ Explain and provide location _____
- _____
- _____

If any of the problems listed in the Housing Code Violation Addendum constitute an emergency and pose an **immediate** threat to the health and safety of the occupants of the rental unit, you must file a motion for Temporary Restraining Order along with this Complaint in order for the Court to immediately address your emergency conditions.

NOTICE TO DEFENDANTS

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AVISO A LOS DEMANDADOS

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The Fee Waiver Form

*Fill out this form at the beginning of your case so that you
don't have to pay court fees.*



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
500 Indiana Ave, NW, Washington, DC 20001
(202) 879-1010 www.dccourts.gov

<i>Case Caption</i>	<i>Case Number</i>

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS, FEES, OR SECURITY
(Form 106A *In Forma Pauperis*)

I, _____ am the

☐ Plaintiff/Petitioner

☐ Defendant/Respondent

☐ Guardian

☐ Movant

☐ Intervenor/Proposed Intervenor

☐ Other: _____

I respectfully ask that I not be required to prepay court fees in this case. I cannot do so without substantial financial hardship to me or my family for the following reason(s):

INCOME

1. I receive the following public benefits:

☐ Temporary Assistance for Needy Families (TANF)

☐ General Assistance for Children (GAC)

☐ Program on Work, Employment and Responsibility (POWER)

☐ Supplemental Security Income (SSI)

If you checked any of the boxes in question 1, you do not need to answer any more questions and may skip to the "Declaration" on page 3. Otherwise, go to the next question.

For Clerk's Use Only

This Application has been reviewed and approved by:		
<i>Signature</i>	<i>Printed Name</i>	<i>Date</i>



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
500 Indiana Ave, NW, Washington, DC 20001
(202) 879-1010 www.dccourts.gov

2. I receive the following benefits:

- ☐ Interim Disability Assistance
☐ Medicaid or DC Healthcare Alliance

If you checked any of the boxes in question 2, you do not need to answer any more questions and may skip to the 'Declaration' on page 3. Otherwise, you must answer the rest of the questions on this form. If additional information concerning questions 2-8 is required, you will be notified.

3. My total income over the past 12 months from all sources is \$_____.

4. I am presently

- ☐ employed.
☐ unemployed. The last date I worked was _____, _____.
Month Year

DEPENDENTS

5. How many people depend on you for financial support? _____.
Of these people, how many are minor children or elderly? _____.

ASSETS

6. I have \$_____ in cash, including money in bank accounts.
I own the following vehicles, real estate, or other valuable property: _____

EXPENSES

7. This is my best estimate of the monthly expenses for me and the people who depend on me for financial support:

Housing (such as rent, mortgage, taxes, insurance):	
Utilities (such as gas, electric, water, phone, internet):	
Food and household necessities:	
Child-related expenses (such as childcare, diapers):	
Health (such as medical, prescriptions, dental, vision, insurance):	
Transportation (such as vehicle loan, gas, insurance, metro, buses):	
Other debt and expenses:	
Total Estimated Monthly Expenses:	



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
500 Indiana Ave, NW, Washington, DC 20001
(202) 879-1010 www.dccourts.gov

OTHER CIRCUMSTANCES

8. Explain any special circumstances that you want the judge to consider in support of your request, including any child support orders, large monthly expenses, debts, wage or bank account garnishments, and/or judgments.

DECLARATION

I solemnly swear or affirm under criminal penalties for the making of a false statement, which includes 180 days in jail or a \$1,000 fine or both, that I have read this Application and that the factual statements made in it are true to the best of my personal knowledge, information and belief.

Signature

Address Line 1

Address Line 2

Phone Number

Date

POINTS AND AUTHORITIES

1. D.C. Code § 15-712.
2. D.C. Code § 22-2405.
3. Civil Rule 54-II, Domestic Relations Proceedings Rule 54-II, and Family Rule R.
4. *Adkins v. E.I. Du Pont de Nemours & Co., Inc.*, 335 U.S. 331 (1948).
5. *Harris v. Harris*, 137 U.S. App. D.C. 318, 322, 424 F.2d 806 (1970), *cert. denied*, 400 U.S. 826 (1970) (“*in forma pauperis* relief not limited to those who are public charges or absolutely destitute”).
6. *Green v. Green*, 562 A.2d 1214 (D.C. 1989) (statute “effectuates the fundamental principle that every litigant should be provided equal access to the courts without regard to financial ability”).
7. *Cabillo v. Cabillo*, 317 A.2d 866, 866 (D.C. 1974) (per curiam)(reversing denial of *in forma pauperis* status and mandating granting of petition where litigant’s income “only slightly above the welfare standard”).



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
500 Indiana Ave, NW, Washington, DC 20001
(202) 879-1010 www.dccourts.gov

<i>Case Caption</i>	<i>Case Number</i>
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ORDER

Upon consideration of the Application to Proceed Without Prepayment of Costs, Fees, or Security filed by _____, it is hereby ordered that the Application is:

- ☐ **GRANTED** in this Family Court case, and, pursuant to Domestic Relations Rule 54-II(i), witnesses will be subpoenaed without prepayment of witness fees.
- ☐ **GRANTED** in this Civil Division case, and pursuant to Civil Rule 54-II(i), the clerk will attempt to serve by mail the materials listed in Civil Rule 4(c)(1). Plaintiff/Petitioner is responsible for service and proof of service if the clerk's efforts are unsuccessful.
- ☐ **GRANTED** in this Probate Division case.
- ☐ **GRANTED** in this Tax Division case.
- ☐ **GRANTED** in this Criminal Division case.
- ☐ **GRANTED** _____

☐ **DENIED**, for the reasons stated on the record in open court and in the presence of the applicant or applicant's counsel.

☐ **DENIED**, for the following reasons:

Date

Judge

Application for Temporary Restraining Order

Fill out this form if your case is an emergency and you can't wait for your housing problems to be fixed.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
500 INDIANA AVENUE, N.W., RM. 5000
Washington, D.C. 20001 Telephone (202) 879-1133

Plaintiff/Tenant

v.

CA No. _____

Defendant/Landlord

APPLICATION FOR TEMPORARY RESTRAINING ORDER

I ask the Court for a Temporary Restraining Order enjoining Defendant/Landlord to do the following pending a hearing on a Motion for Preliminary Injunction:

1. Check all that apply:

- ☐ (a) Restore me access to the premises located at _____.
- ☐ (b) Restore essential services that Defendant/Landlord is obligated to provide (specify): _____.
- ☐ (c) Correct serious housing code violations that prevent me from using or enjoying the premises. The violation(s) include (specify): _____.
- ☐ (d) Other (specify): _____.

2. Not interfere with my right to possession, use or enjoyment of the premises, barring further order of the Court.

3. The Court should issue a Temporary Restraining Order because:

(a) Check all that apply:

- ☐ (i) I am likely to win on the merits of my case at trial because Defendant/Landlord wrongfully evicted me. Defendant/Landlord evicted me without suing me for possession of real estate in Landlord-Tenant Court, without serving me with a Complaint for Possession of Real Estate and/or Writ of Restitution, and/or without the U.S. Marshals being present during the eviction. *Mendes v Johnson*, 389 A.2d 781 (D.C. 1978).
- ☐ (ii) I am likely to win on the merits of my case at trial because Defendant/Landlord stopped providing essential services that Defendant/Landlord is obligated to provide. *Javins v. First Nat'l*

Realty Corp., 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).

☐ (iii) I am likely to win on the merits of my case at trial because Defendant/Landlord failed to correct serious housing code violations that prevent me from using or enjoying the premises. *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).

☐ (iv) I am likely to win on the merits of my case at trial because (specify):_____.

(b) I will suffer irreparable harm if my Application is denied because (Check all that apply):

☐ (i) I have been actually or constructively evicted from the premises.

☐ (ii) Other (specify):_____.

(c) If my Application is denied, I will suffer more harm than Defendant/Landlord will suffer if my Application is granted.

(d) Granting my Application is in the public interest.

4. The Court has discretion to grant my Application under SCR-65. I should not be required to post bond because I am only asking the Court to order Defendant/Landlord to do what the law requires.

WHEREFORE, Plaintiff/Tenant prays that this Court:

1. Grant my Application for a Temporary Restraining Order; and
2. Grant such other and further relief as the Court may deem proper.

Plaintiff/Tenant

Address

Phone Number

Date

CERTIFICATE OF SERVICE

REQUIRED: You must serve all other parties or their lawyers. If a party has a lawyer, you must serve the lawyer instead of the party.

I hereby certify that a copy of this Application was

(check one) ☐ hand-delivered ☐ mailed to

Defendant/Landlord or Defendant/Landlord's Lawyer on the following date:

_____, 20____ at the following address: _____

_____.

Signature of person who hand-delivered or mailed a copy of the Application

POINTS AND AUTHORITIES IN SUPPORT OF MY APPLICATION FOR TEMPORARY RESTRAINING ORDER

1. *Mendes v Johnson*, 389 A.2d 781 (D.C. 1978).
2. *Javins v. First Nat'l Realty Corp.*, 428 F.2d 1071, 1072-73, 138 U.S. App. D.C. 369, 370-71 (D.C. Cir. 1970), cert. denied, 400 U.S. 925, 91 S.Ct. 186, 27 L.Ed.2d 185 (1970).
3. SCR-Civ. 65.
4. D.C. Mun. Regs. Tit. 14, § 301.1 (1991).

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION
500 INDIANA AVENUE, N.W., RM. 5000
Washington, D.C. 20001 Telephone (202) 879-1152

Plaintiff/Tenant

v.

CA No. _____

Defendant/Landlord

ORDER

Having considered Plaintiff/Tenant's Application for Temporary Restraining Order, the Court hereby makes the following findings of fact:

Having considered Plaintiff/Tenant's Application for Temporary Restraining Order, the Court hereby makes the following conclusions of law:

It is hereby ORDERED that:

- ☐ This Temporary Restraining Order issue, without cost to Plaintiff/Tenant, pending a hearing on Plaintiff/Tenant's Motion for Preliminary Injunction. The Motion will be heard on _____, 20____ at _____ AM/PM, at which time this Restraining Order will expire, barring further order from the Court.
- ☐ Defendant/Landlord is hereby ordered to restore Plaintiff/Tenant's access to the premises located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant's right to possession, use or enjoyment of the premises, barring further order of the Court.
- ☐ Defendant/Landlord is hereby ordered to restore essential services to the premises occupied by Plaintiff/Tenant located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant's right to possession, use or enjoyment of the premises, barring further order of the Court.
- ☐ Defendant/Landlord is hereby ordered to correct severe housing code violations to the premises occupied by Plaintiff/Tenant located at _____ immediately, and to refrain from any further acts which interfere with Plaintiff/Tenant's right to possession, use or enjoyment of the premises, barring further order of the Court.
- ☐ Defendant/Landlord is hereby ordered to (specify): _____
_____.
- ☐ The D.C. Metropolitan Police Department shall escort Plaintiff/Tenant back in to the premises, if necessary.
- ☐ Plaintiff/Tenant shall not be required to post bond.

Judge

Date

Time