

Tenant Rights During the COVID-19 Emergency

(Updated February 10, 2022)

Rental Payments and Eviction Cases

I lost my job or have less income because of Covid-19. Do I still have to pay my rent?

But, I heard that there was a rent freeze. What does that mean?

Should I tell my landlord if I cannot afford to pay my rent?

I know I will not be able to catch up on my rent, so I just need to move out. Can I break my lease?

What happens if my landlord sues me for not paying my rent?

When can my landlord sue to evict me?

My landlord had already sued me before Covid-19. What will happen to my case?

A judgment was already entered against me, and I was scheduled to be evicted. What happens now?

I was ordered to pay rent into the Court Registry (also called a “protective order”). What should I be doing with my rent payments?

Housing Conditions Issues

My landlord is insisting on coming into my home for an inspection. Do I have to let my landlord into my home?

There is an emergency repair need in my home, and I cannot wait to have it fixed. Does my landlord have to fix it?

There were things in my home that needed to be repaired before the health emergency, and now my landlord is refusing to fix them. Does my landlord still have to make these repairs?

Subsidized Housing Issues

My income has decreased, what should I do?

My recertification anniversary date fell during the public health emergency. Do I still have to complete my annual recertification?

Can DCHA increase my rent during the public health emergency?

I live in Public Housing. Can DCHA evict me if I fall behind on my rent?

I received a Recommendation for Termination from the Voucher Program. What happens now?

Before Covid-19, I signed a repayment agreement with DCHA, and now I cannot make my payments because I lost my job. What do I do?

Rental Payments and Eviction Cases

I lost my job or have less income because of Covid-19. Do I still have to pay my rent?

Yes. Tenants are still required to pay rent, even if they cannot afford it. You might be able to get rental assistance. Limited funds are available through the Emergency Rental Assistance Program (ERAP). You can apply for ERAP funds online using this [link](#). Look at our [rental assistance](#) summary for more information.

But, I heard that there was a rent freeze. What does that mean?

Landlords were not allowed to raise rents for tenants who live in private, unsubsidized housing, from March 2020 through December 2021. Your landlord also cannot charge you late fees from March 2020 through July 2021 and for the month of January 2022. The rent freeze has ended, but when your landlord can raise your rent depends on what type of housing you live in. If you have questions about a rent increase notice and whether it is legal, you can call us at 202-628-1161 for advice and/or to apply for help with your case.

Should I tell my landlord if I cannot afford to pay my rent?

Generally there is no harm in explaining that you cannot pay your rent due to Covid-19. And to get some benefits under new laws, you must tell your landlord that you can't pay rent because of the pandemic.

If you have had financial problems because of Covid-19, then your landlord is required to sign a repayment agreement to give you more time to pay. It is usually a good idea to talk to a lawyer before signing any written agreement. You can call us at 202-628-1161 for advice and/or to apply for help with your case.

If you talk to your landlord, it is ok to say that you are not ready to sign an agreement and that you will need more time. You can also let your landlord know if you are applying for rental assistance, or if you know when you will likely receive income again. You should not sign a written agreement until you are ready to make payments.

I know I will not be able to catch up on my rent, so I just need to move out. Can I break my lease?

In general, you need your landlord's permission to break your lease early. Usually your landlord can still make you pay rent for the rest of your lease term, unless the landlord is able to find a new tenant. But most tenants who are renting month-to-month can leave after giving a 30-day notice. If you have questions about whether you are a month-to-month tenant, please call us at 202-628-1161 for advice and/or to apply for help with your case.

What happens if my landlord sues me for not paying my rent?

If your landlord sends you a notice saying you owe rent or a letter saying you need to move, or if your landlord sues you for not paying your rent, you do not have to move out right away. You have options. Under D.C. law, if you are sued for not paying your rent, then you have the right to stay in your home by paying what you owe before you are evicted. You may also have defenses to the case that could reduce how much you owe. You should contact us at 202-628-1161 for more information or to apply for help with your case.

When can my landlord sue to evict me?

If your landlord says you have not paid your rent, your landlord can begin the process to evict you now. Your landlord must serve you with a 60-day notice of past due rent before filing an eviction case against you for nonpayment of rent. The notice should tell you the amount that you owe in rent and give you information about emergency rental assistance and free legal services. Your rental ledger should also be attached to the notice.

If your landlord says you broke some other part of your lease (for example, by having a pet or bothering your neighbors), your landlord can begin the process to evict you now. Your landlord must send you a 30-day notice before filing an eviction case against you. Landlords were not allowed to send these types of notices at different points during the pandemic. If you receive a notice from your landlord and want to know if it is legal, you can call us at 202-628-1161 for more information or to apply for help.

A 30-day notice about a lease violation will explain what the landlord says you have done wrong and how you can fix it. Your landlord must give you at least 30 days to fix whatever they say the problem is. If the landlord

thinks you did not fix the problem after 30 days, the landlord can file an eviction case against you.

If you get court papers, you should contact us at 202-628-1161 for more information or to apply for help.

Is court still happening during the pandemic?

The Landlord and Tenant Court is currently holding remote hearings only, meaning tenants have to call or video into hearings. You may get a mailed notice to tell you about a future remote court date. If you receive any notice from the Court, it is very important that you open it.

If you have any questions or would like any more information, please call us at 202-628-1161 for more information or to apply for help with your case.

My landlord had already sued me before Covid-19. What will happen to my case?

The Landlord and Tenant Court is currently holding remote hearings only, meaning tenants have to call or video into hearings. You may get a mailed notice to tell you about a future remote court date. If you receive any notice from the Court, it is very important that you open it. You also can [search for your case online](#) or call us at 202-628-1161 and we can look up your new court date and/or complete an intake for possible help with your case.

A new law requires the Landlord and Tenant Court to seal records when a case is dismissed. If you cannot find your case record online, it may have been dismissed and sealed. You can call the Court for help at 202-879-4879.

A judgment was already entered against me, and I was scheduled to be evicted. What happens now?

Whether your landlord can evict you depends on the type of eviction case against you. Many evictions are on hold during parts of January, February, and March 2022.

If you have been scheduled for eviction, or think you might be scheduled for eviction soon, or if your landlord is threatening to evict you, please call us at 202-628-1161 for more information or to apply for help with your case.

If you are being evicted because you owe rent, there are emergency rental assistance funds available. The program can make payments very quickly for tenants who already have been scheduled for eviction. **If you already have an eviction date, please call us right away at 202-628-1161. To apply for rental assistance from the Emergency Rental Assistance Program (ERAP), you should apply online at <https://erap.dhs.dc.gov/> or call 202-667-7006.**

I was ordered to pay rent into the Court Registry (also called a “protective order”). What should I be doing with my rent payments?

There are two ways you can make protective order payments. If you can, you should try to make payments using one of these options. If you want to talk to an attorney about these options, call us at 202-628-1161.

1. First, you can pay online. You can find the details from the Court about how to pay online at this [link](#). To pay online send an email to LandlordandTenantDocket@dcsc.gov or call the Court at 202-879-4879. If you have a bank account, you can make a payment online for a \$1 fee by providing your account information. If you pay by credit card or debit card, there is an additional fee of 2.5%. This means, for example, that if you pay \$1,000, the fee would be \$25. This is a high fee, and you may want to avoid paying it.
2. Second, you can pay by cash or money order at the courthouse at 510 4th Street NW in the Clerk’s office. The Clerk’s office is open Monday through Friday, 8:30 a.m. to 5:00 p.m. You will receive a receipt on the spot. Let the security guard know you are at the courthouse to make a payment.
3. Third, you can leave a money order payment in a drop box located at 510 4th Street NW if you do not wish to enter the building. Make sure to include your name and case number on the payment. You will not receive a receipt on the spot. We recommend avoiding this option if possible.

If there is a reason that you cannot use the above options, for example if you cannot safely leave your home to purchase a money order or visit the courthouse, you may be able to ask the Court to change the protective order.

Housing Conditions Issues

My landlord is insisting on coming into my home for an inspection. Do I have to let my landlord into my home?

Your landlord has the right to enter your home for a “reasonable purpose,” at a “reasonable time,” with at least 48 hours’ notice. Given the COVID-19 pandemic, unless there is an emergency repair need, you can argue that your landlord entering your home is not reasonable, especially if you are elderly or have a health condition that puts you at risk for contracting Covid-19.

You should notify your landlord in writing that you do not believe the request for access is reasonable, and that you will grant access when it is again safe to do so. If you decline to grant your landlord access, there is a risk that your landlord could claim that you violated your lease. If that happens, we encourage you to call us at 202-628-1161 for advice and/or to apply for our services.

There is an emergency repair need in my home, and I cannot wait to have it fixed. Does my landlord have to fix it?

Yes. Your landlord must still make emergency repairs. This applies to the D.C. Housing Authority (DCHA) as well as private housing. Emergency repairs include, but are not limited to, things like fire hazards; broken toilets or sewage back-ups; broken appliances; serious water leaks/flooding; and landlord-caused lack of utilities (electricity, water, and gas).

You should tell your landlord immediately of any emergency repair needs. You will need to be flexible about allowing your landlord and repair people to enter your home, so make arrangements if you or someone in your household is elderly or has a health condition that puts you at risk for contracting Covid-19. Your landlord must accommodate these needs.

If your landlord does not make repairs, you can also contact the Department of Consumer and Regulatory Affairs (DCRA) to do an inspection. You can request an inspection online by filling out [this form](#). You can call 202-442-4400 for non-emergency conditions. Tenants are encouraged to call 202-442-9557 for emergencies. Inspections may be done in person, and inspectors will wear protective gear. Inspections also are being conducted virtually, and DCRA will help tenants arrange virtual

inspections using their cell phone. However, you should be aware that DCRA is allowing tenants and landlords to request to reschedule inspections for non-emergency conditions, if either party is uncomfortable with moving forward now.

If your landlord does not make these repairs, you can file a new case and an emergency motion with the Court, which is still handling these types of cases. You can call us at 202-628-1161 for additional advice regarding these issues and/or to apply for help.

There were things in my home that needed to be repaired before the health emergency, and now my landlord is refusing to fix them. Does my landlord still have to make these repairs?

Your landlord is always required to maintain your home in compliance with housing regulations. Once notified of a repair need, they must make repairs within a reasonable time.

If your landlord does not make these repairs, you can contact DCRA to do an inspection. You can request an inspection online by filling out [this form](#). You also can call 202-442-4400 for non-emergency conditions or 202-442-9557 for emergencies. Inspections may be done in person, and inspectors will wear protective gear. Inspections also are being conducted virtually, and DCRA will help tenants arrange virtual inspections using their cell phone. However, you should be aware that DCRA is allowing tenants and landlords to request to reschedule inspections for non-emergency conditions, if either party is uncomfortable with moving forward now.

You can call us at 202-628-1161 for additional advice regarding non-emergency repair needs.

Subsidized Housing Issues

My income has decreased, what should I do?

You should report any change in your income right away. You should report the change to DCHA or your landlord, whoever normally does your recertifications:

- Housing Choice Voucher Program: Email this information to DCHA at hcvpcovid19interim@dchousing.org if you have email access. You can also call DCHA's main number at 202-535-1000 to report your income loss.
- Public Housing: Email this information to DCHA at phcovid19interim@dchousing.org if you have email access. You should also call your property management office and find out what process they are following to complete interim recertifications.
- Site-Based Section 8: Contact your property management office and find out what process they are following to complete interim recertifications.

If you have questions about this, or if you do not have access to email, you are welcome to call us at 202-628-1161.

My recertification anniversary date fell during the public health emergency. Do I still have to complete my annual recertification?

DCHA and other subsidized housing landlords have still been processing recertifications and you should submit the paperwork.

- If you are a Housing Choice Voucher Program participant, you can submit paperwork to DCHA by US Mail or by dropping in the dropbox at 1133 North Capitol Street NE.
- If you are a Public Housing resident, you should call your property manager and follow their instructions for submitting required documents.
- If you are a Site-Based Section 8 resident, you should call your property manager and follow their instructions for submitting required documents.

Can DCHA increase my rent?

Yes. If your rent is based on your income and your income has gone up, DCHA or your landlord can process a recertification and adjust your rent. Federally subsidized housing is not included in the law that prevents rent increases through 2021.

I live in Public Housing. Can DCHA evict me if I fall behind on my rent?

Yes, DCHA can begin the process to evict you now. That means that DCHA can send you a 60-day notice of past due rent. .

I received a Recommendation for Termination from the Voucher Program. What happens now?

If you received a Recommendation for Termination for your Housing Choice Voucher Program voucher, you should tell DCHA right away that you want to have a hearing to dispute that termination. You should put your request in writing and keep a copy for your records. You should also contact us to see if we can help with this issue: 202-628-1161.

Before Covid-19, I signed a repayment agreement with DCHA, and now I cannot make my payments because I lost my job. What do I do?

You should report your loss of income immediately, using the email addresses listed below. DCHA has said that it will consider these situations on a case-by-case basis, and promptly reporting your loss of income will help your case. A new D.C. law also requires landlords to enter payment plans if a tenant falls behind because of Covid-19.

- Housing Choice Voucher Program: Email your new income information to DCHA at hcvpcovid19interim@dchousing.org if you have email access. You can also call DCHA's main number at 202-535-1000 to report your income loss.
- Public Housing: Email your new income information to DCHA at phcovid19interim@dchousing.org if you have email access. You

should also call your property management office and find out what process they are following to complete interim recertifications.

If you would like legal advice about your situation, you can contact Legal Aid. Our Northwest and Southeast offices are closed to the public, but we are open for telephone and online intake. You can call us at 202-628-1161 or apply [online](#).