

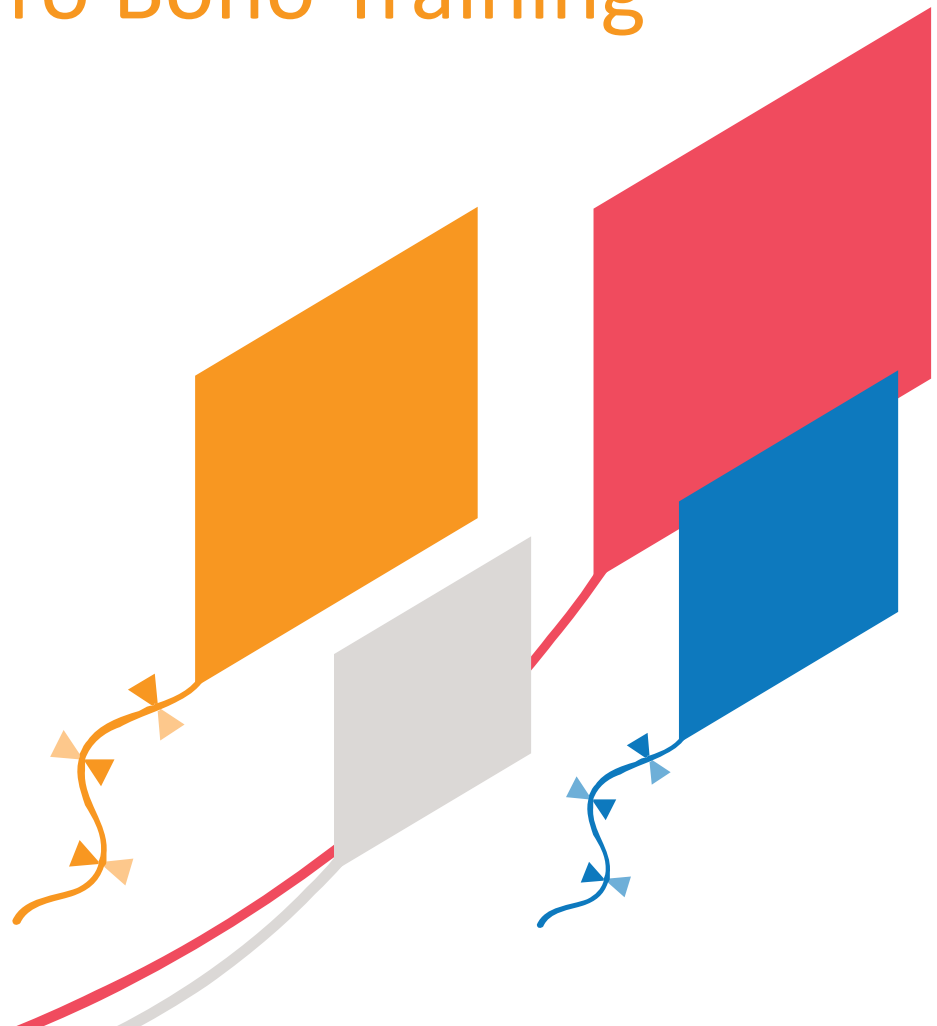
Children's Law Center

Housing Conditions Pro Bono Training

Jen Masi, Pro Bono Director



July 28, 2020



Quick Roadmap



CLC Pro Bono Program



Virtual Training Series



Today's Training



On Demand Resources

About Children's Law Center



WE REACH
1 out of 9 children
IN DC'S POOREST
NEIGHBORHOODS EACH YEAR

WE HAVE LAWYERS ONSITE AT
6 health clinics
ACROSS DC TO HELP FIND
AND FIX BARRIERS TO HEALTH



WE HAVE SERVED
**30,000 children
and families**
SINCE 1996



WE PARTNER WITH MORE THAN
500 pro bono lawyers



WE PARTNER WITH DISTRICT
AGENCIES, THE DC COUNCIL
AND COMMUNITY LEADERS TO
FIND OR IMPLEMENT
city-wide solutions
THAT BENEFIT ALL DC KIDS

Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone.

CLC Pro Bono Cases

Family

- ◆ Caregiver Custody
- ◆ Custody Guardian *ad Litem* (GAL)

Health

- ◆ **Housing Conditions**

Education

- ◆ Special Education

Supporting Pro Bono Attorneys



Screening

CLC thoroughly screens clients when assessing cases for pro bono placement to ensure the case is a good fit for a pro bono attorney.



Training and Resources

CLC offers in-person and online training and an abundance of resources on our website, including model pleadings, training materials and videos.



Mentoring

Experienced CLC attorneys mentor our pro bono lawyers. Mentors provide initial case recommendations, discuss strategy and legal issues, and remain available throughout the duration of the case.

Virtual Training Series

July 2020				
Monday	Tuesday	Wednesday	Thursday	Friday
6	7 2:00 p.m. - 3:00 p.m. Caregiver Custody Part One: Custody Law and Practice	8 9:30 a.m. - 10:30 a.m. Caregiver Custody Part Two: Pretrial and Trial Advocacy	9	10
13 12:00 p.m. - 1:00 p.m. Custody GAL - Part One: The Role of the GAL	14	15 2:00 p.m. - 3:00 p.m. Custody GAL - Part Two: Custody Law and Procedure	16	17 10:00 a.m. - 11:00 a.m. Custody GAL - Part Three: Communicating with Children and Teens; Overview of Domestic Violence, Substance Abuse, and Child Abuse and Neglect
20 10:00 a.m. - 11:00 a.m. Special Education - Part One: What is Special Education?	21	22 3:00 p.m. - 4:00 p.m. Special Education - Part Two: Handling a Special Education Case	23 3:30 p.m. - 4:30 p.m. Cultural Humility Training	24 10:00 a.m. - 11:00 a.m. Special Education - Part Three: The Due Process Hearing
27	28 12:00 p.m. - 1:30 p.m. Housing Conditions Training	29	30	31

Today's Training

Content

- Housing Conditions

Remote Representation

- These cases can be handled remotely.

Questions

- Zoom Chat
- Email Jen Masi

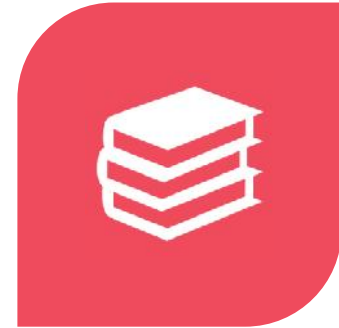
On Demand Resources



**Training
Presentations**



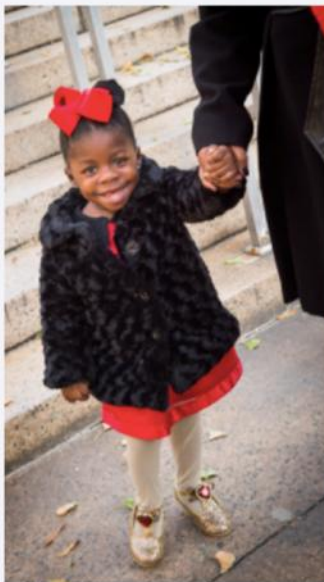
**Training
Videos**



**Training
Manuals**

On Demand Resources

Pro Bono



Though Children's Law Center is the largest non-profit legal provider in DC, many more children come to us than we can help. We are honored to partner with more than 500 pro bono attorneys every year from the area's top law firms, in-house legal departments and government agencies to help fill the gap.

If you are a pro bono attorney, we hope you will partner with us. We provide world class mentorship, training and written materials to help attorneys feel more comfortable navigating new areas of law. In addition to gaining valuable trial skills, we promise that you will be deeply touched by your experience – because our cases are life changing.

Want to learn more about becoming a pro bono lawyer for Children's Law Center? [Check out our FAQs](#) and sign up to [join our mailing list](#)! Closing a case? [Click here](#).

For information on how to partner with us, please contact Jen at JMasi@ChildrensLawCenter.org.

Resources >

Fact Sheets

Pleadings

Training Manuals

Training Presentations & Videos

Other



Meet Our Mentors



Pro Bono Partners

Interested in a case?

◆ **Email me!**

jmasi@childrenslawcenter.org



Training Survey Request

- ◆ Please complete our electronic survey. Available at:
<https://clcprobonotraininghousing.questionpro.com>
 - ◆ What worked?
 - ◆ Where can we improve?
- ◆ Thank you for your feedback!



Housing Conditions Training

Kathy Zeisel, Senior Supervising Attorney

Evan Cass, Supervising Attorney



July 28, 2020



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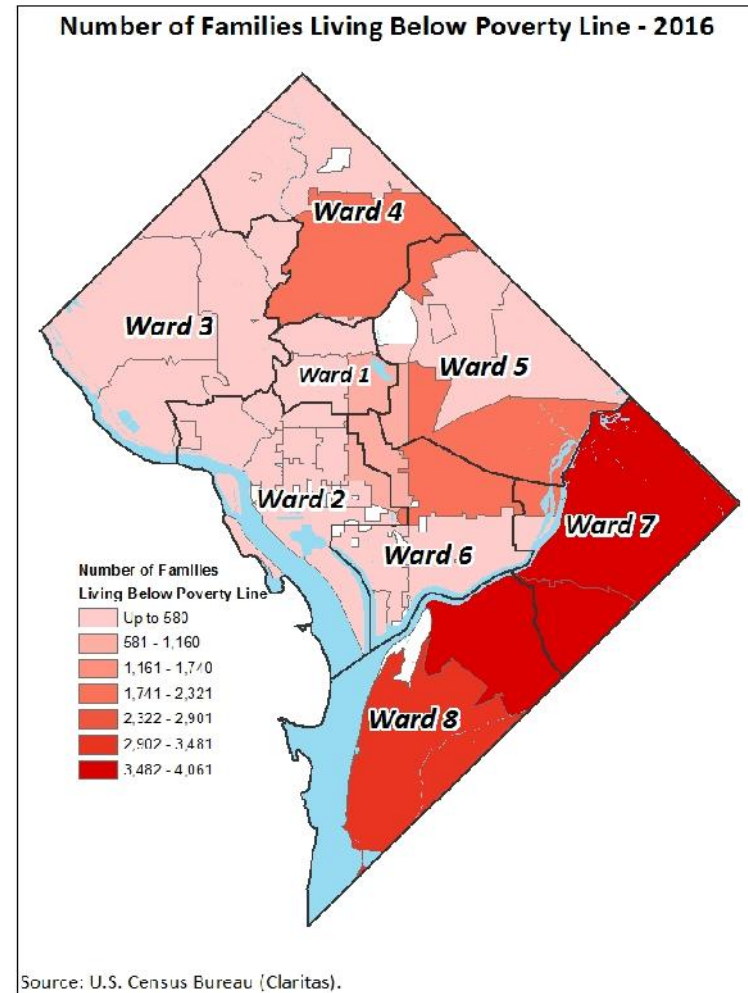
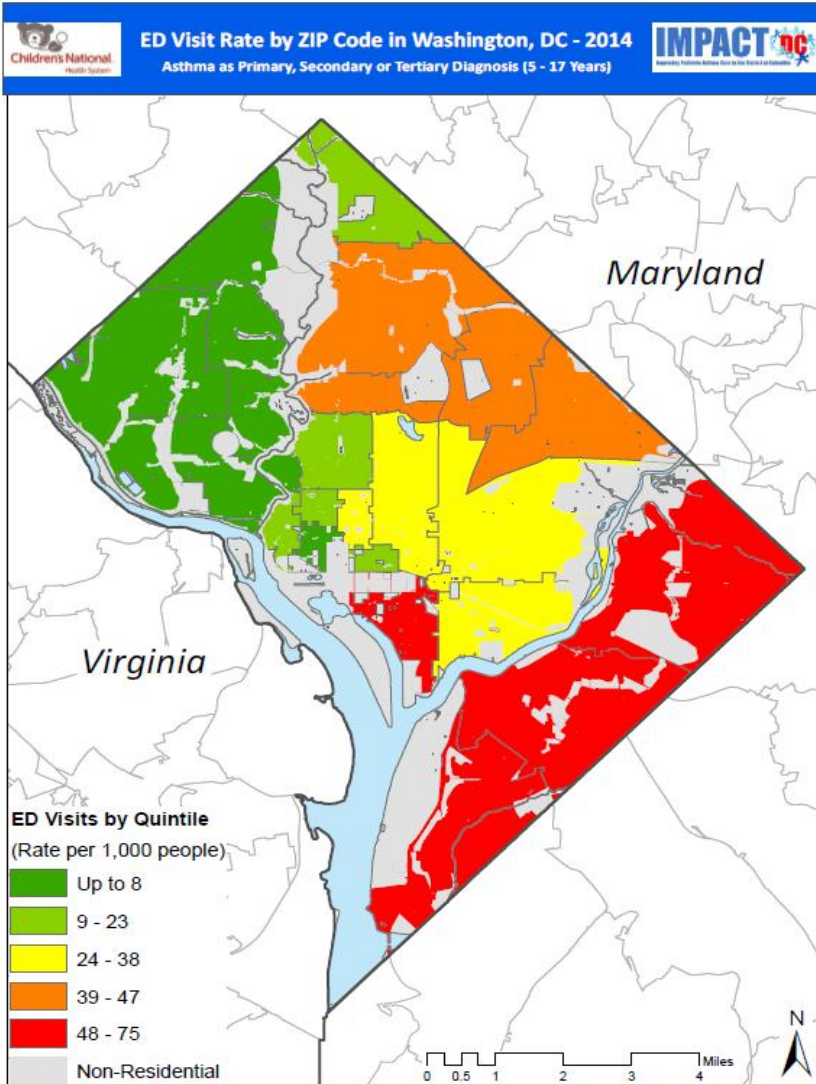
Barriers to Healthy Housing in DC



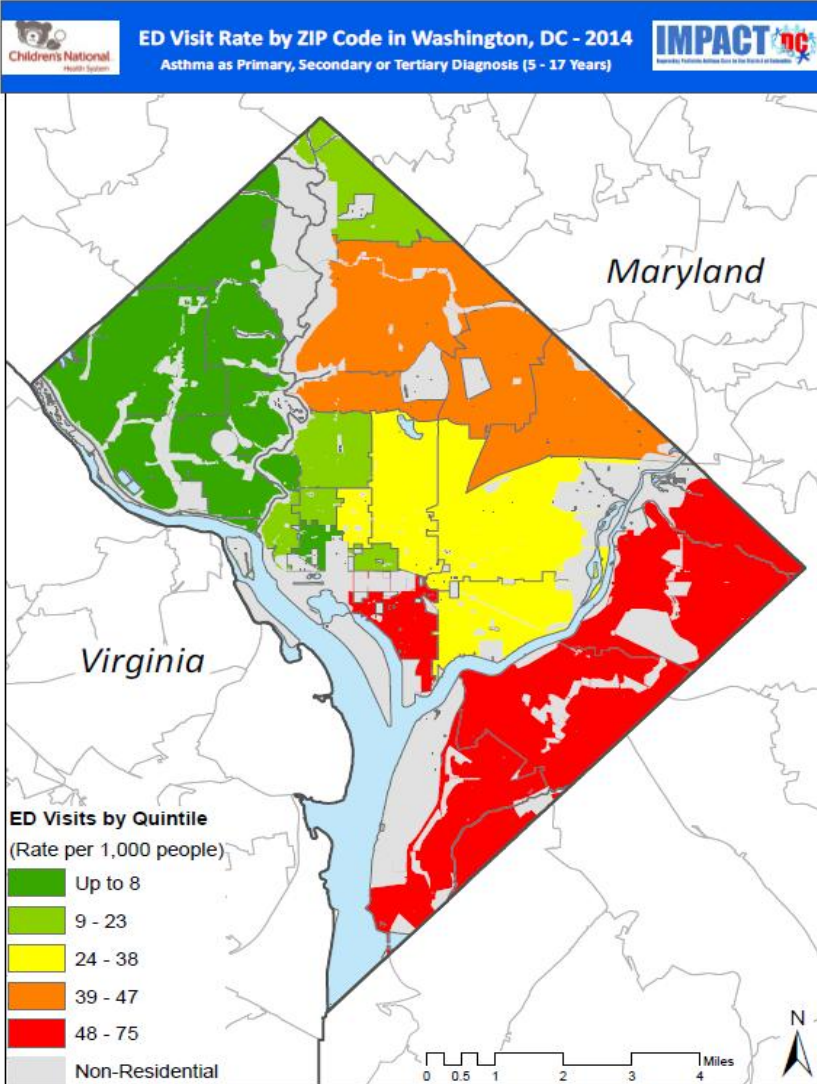
Barriers to Healthy Housing



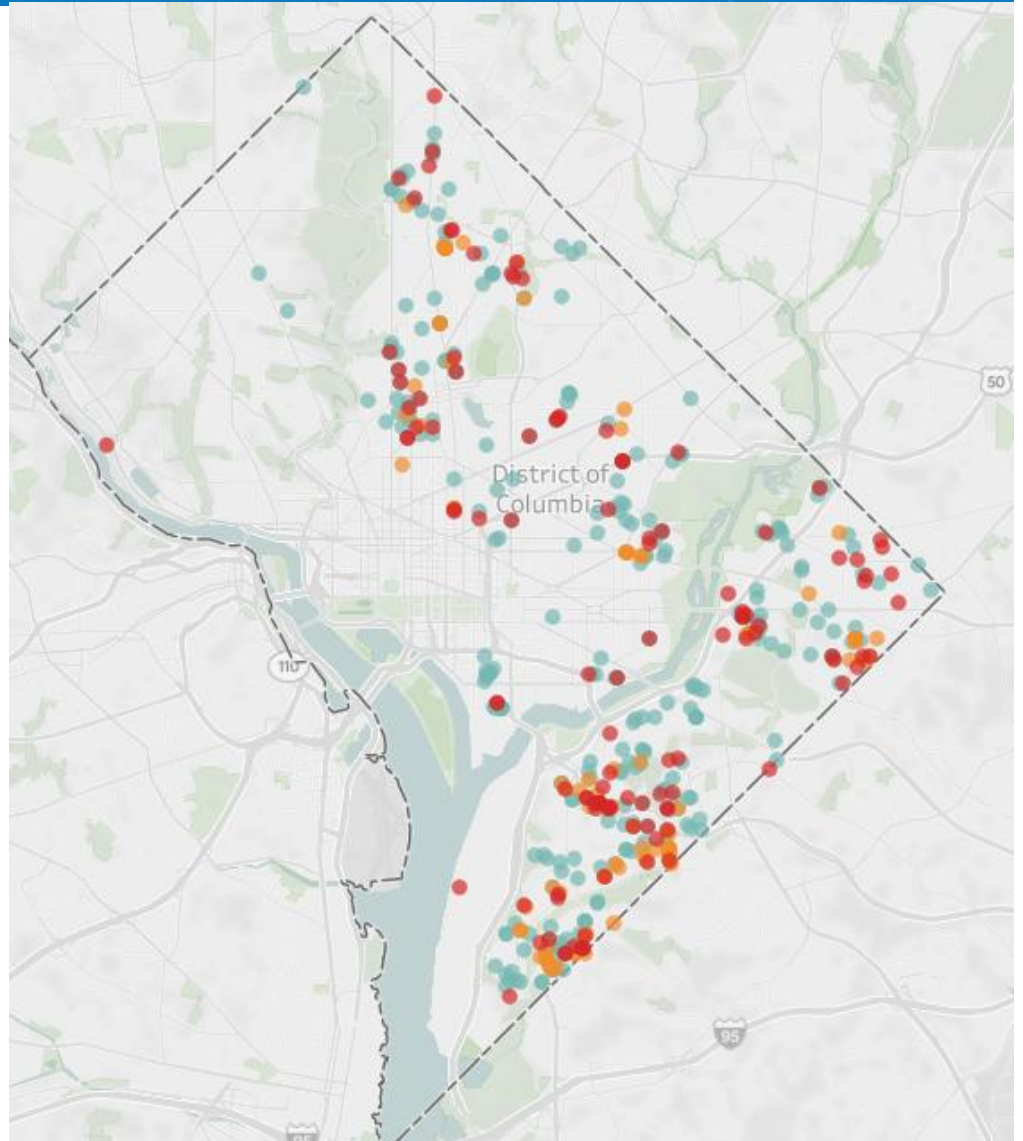
Healthy Equity & Housing Conditions



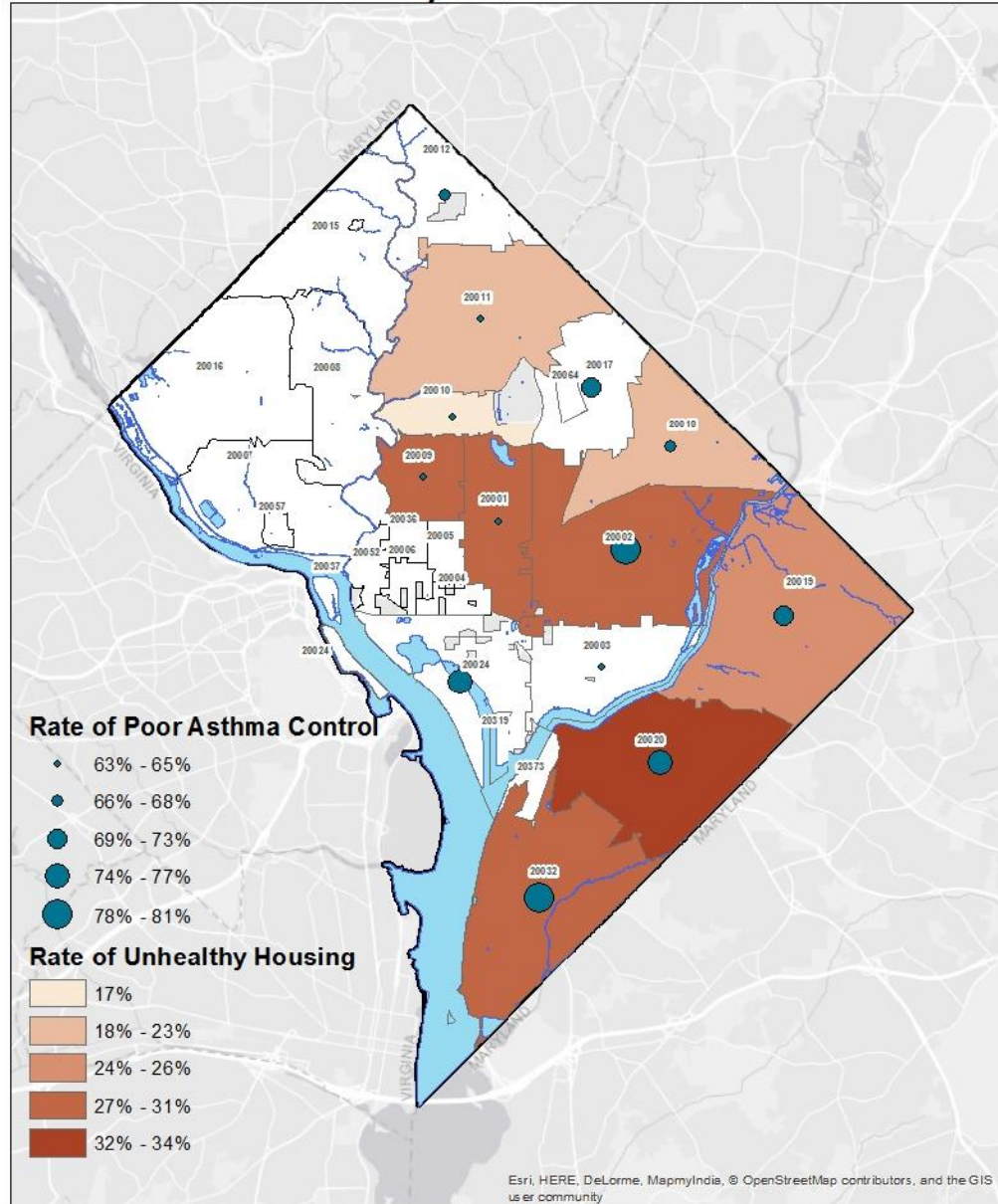
Health Equity & Housing Conditions



Source: Truven Health Analytics, file received from DC Hospital Association.
Map produced by Children's National Health System.



Rates of Unhealthy Housing and Poor Asthma Control by ZIP Code



- Study by Children's Hospital residents
- Significant association between unhealthy housing and poor asthma control
- Nearly 25% of children with persistent asthma in this study live in unhealthy housing

Why do we discuss this?

Asthma Disparity in DC

A child with asthma in Ward 7 or 8 is twenty times more likely to visit the emergency room for asthma than a child in Ward 3.

Environmental Triggers

Various housing conditions can exacerbate a child's asthma.

Understanding the conditions improves our advocacy and helps us better connect with clients.

The Impact

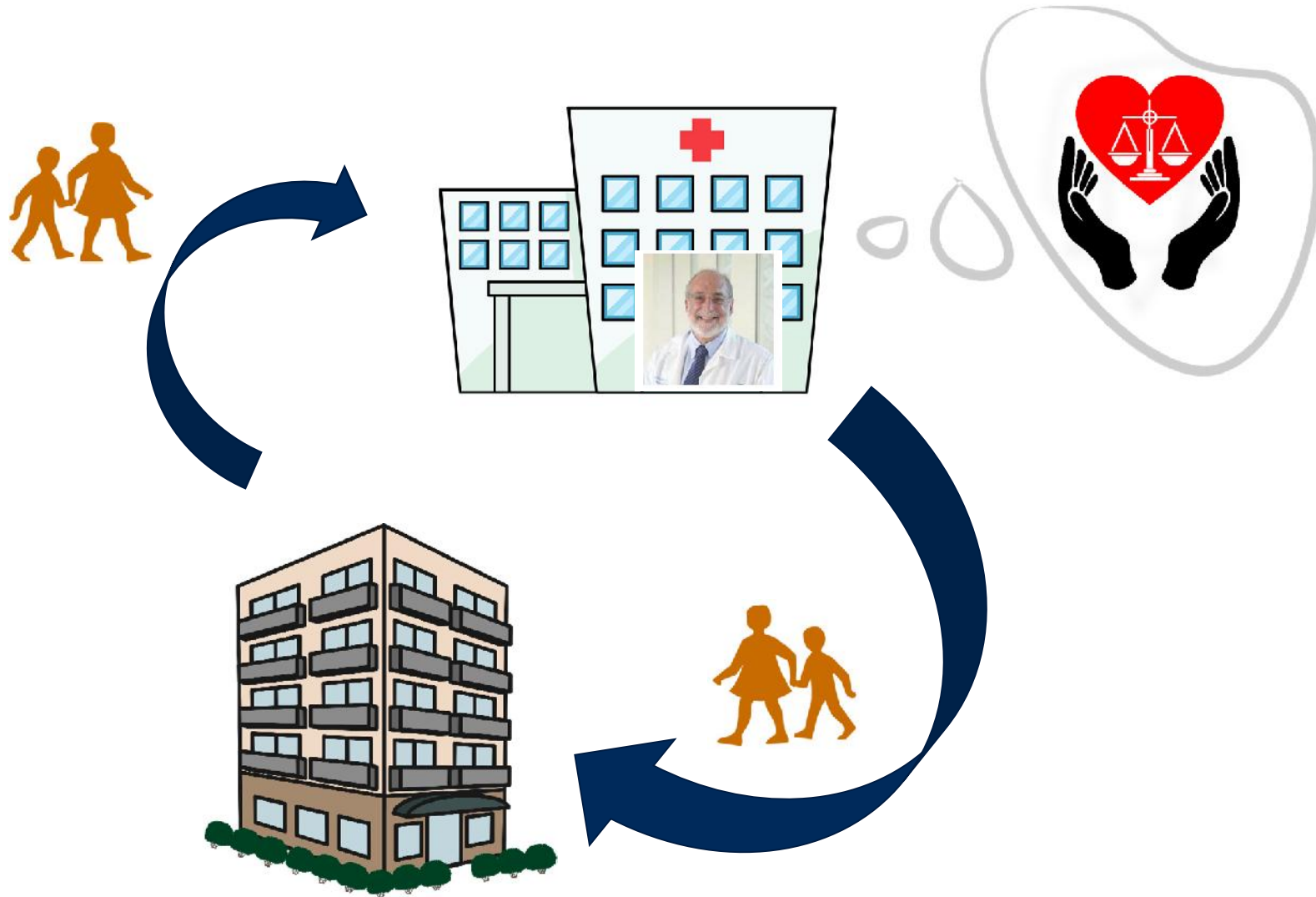
Housing conditions impact children's health and the family's overall functioning.

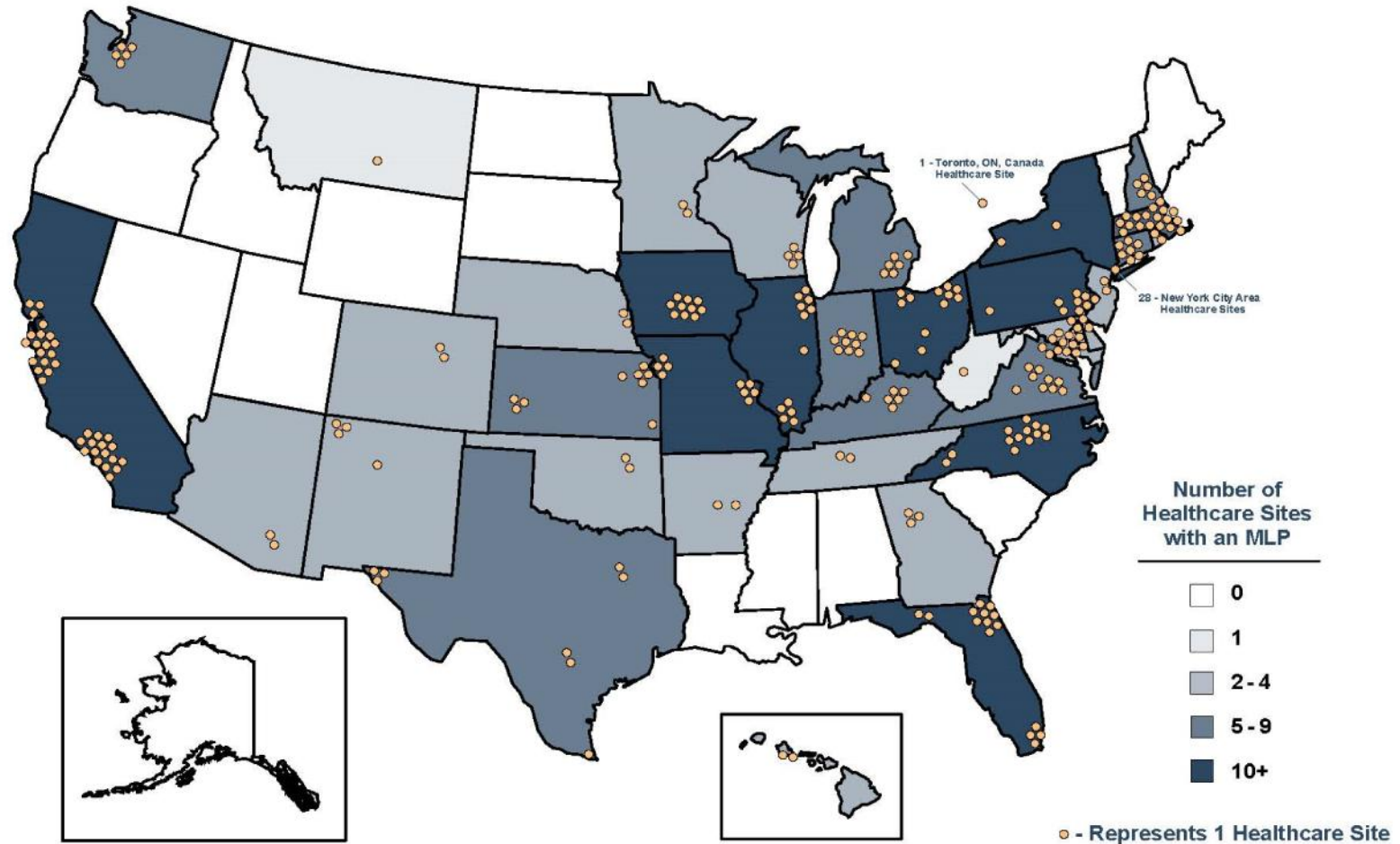
Lawyers are game-changers.

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Medical-Legal Partnerships

What is a Medical-Legal Partnership?

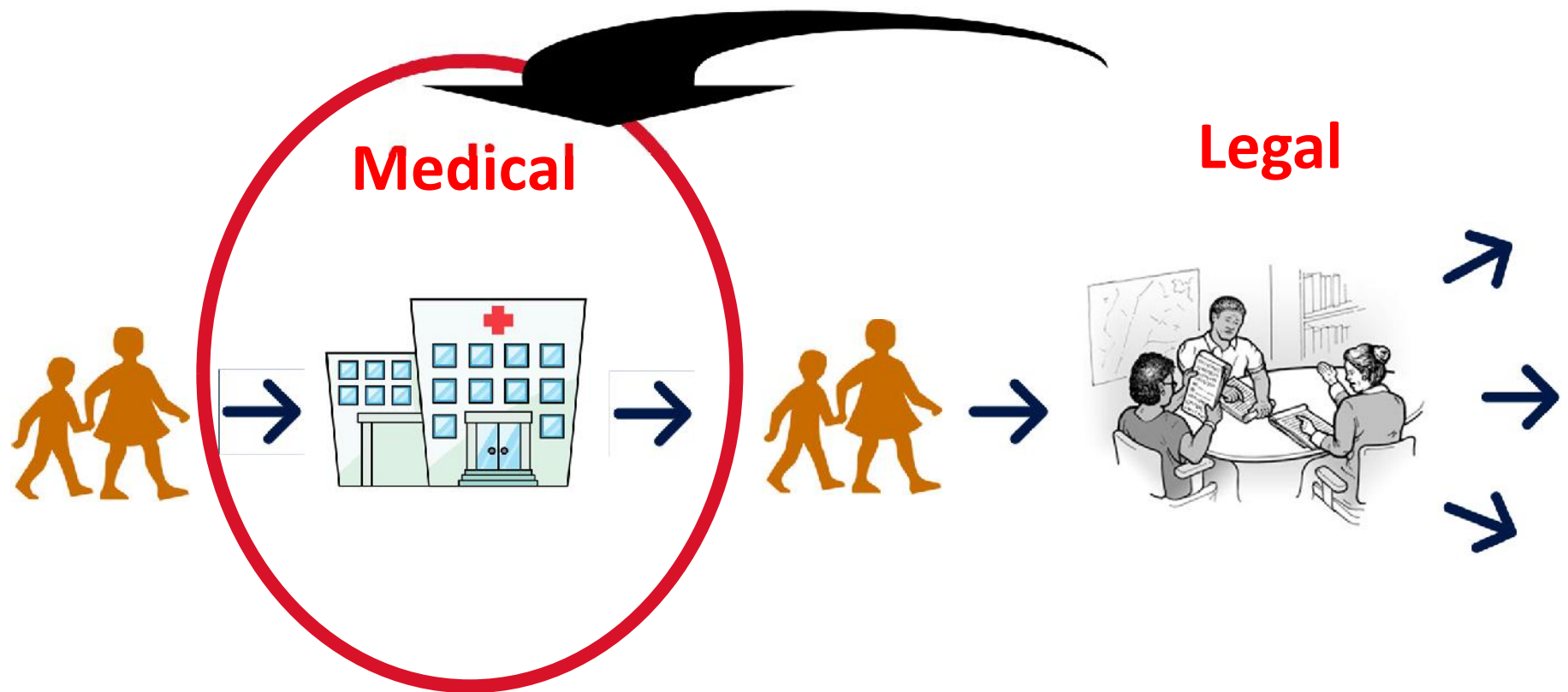




Medical-Legal Partnership Network – March 2012

The Medical-Legal Partnership Network is comprised of 292 health institutions and 207 legal institutions, 47 of which are *pro bono* law firms.

MLP Model



CLC's Medical Partners



Children's
National
Health
System



Mary's
Center



Unity
Health
Care

Impact from CLC MLPs

- ◆ “It took the lawyers dealing with his doctors to get [my son] everything that he needed...I could go on for hours and hours about how the quality of his life has improved.”

- ◆ ***Ms. Harper, former client***

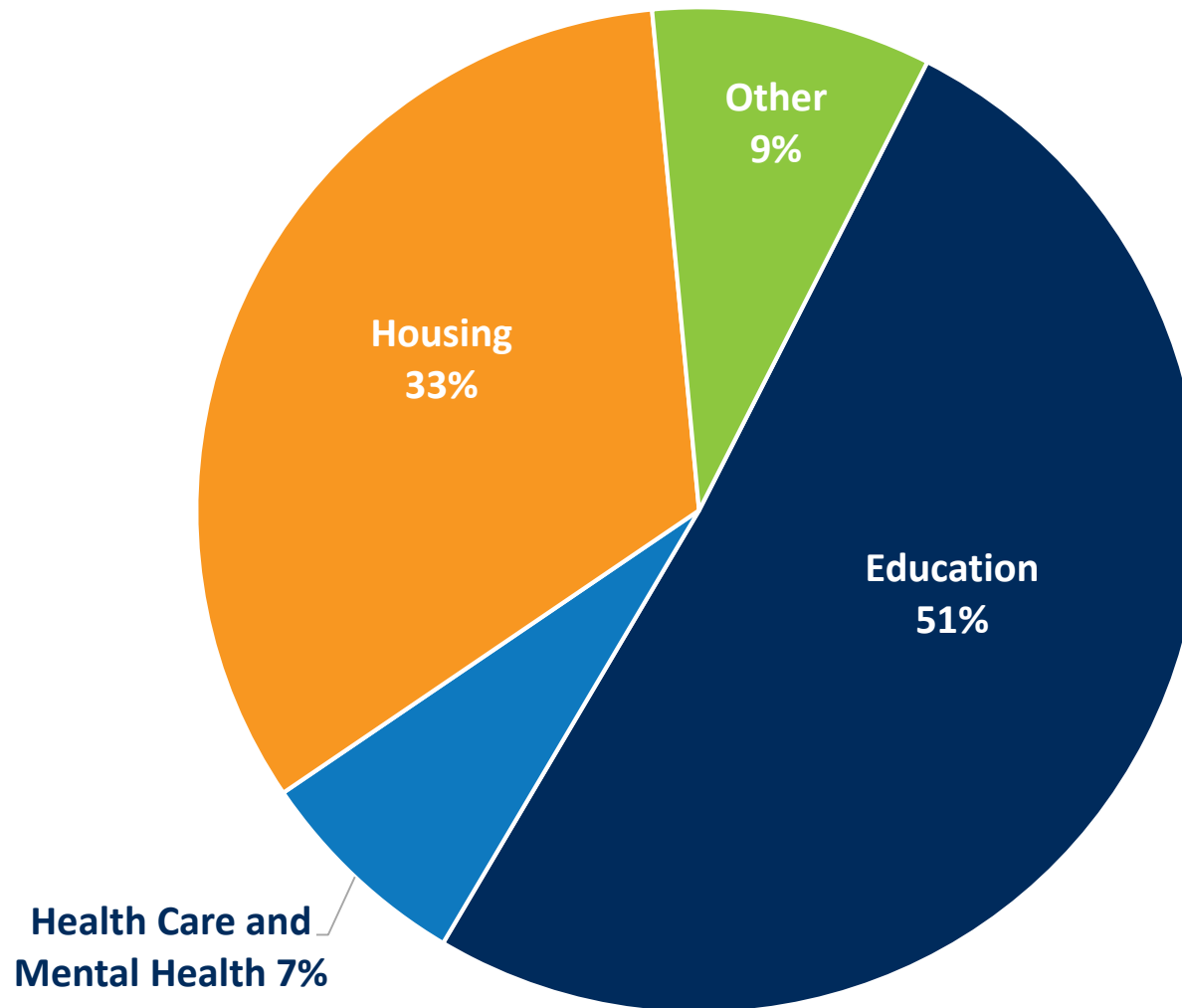
◆ Direct Impact

- ◆ In FY 2018, we assisted over 3000 children and families
- ◆ 57% of those children from Wards 7 and 8
- ◆ In FY 2018, we trained 1912 people in 104 training sessions

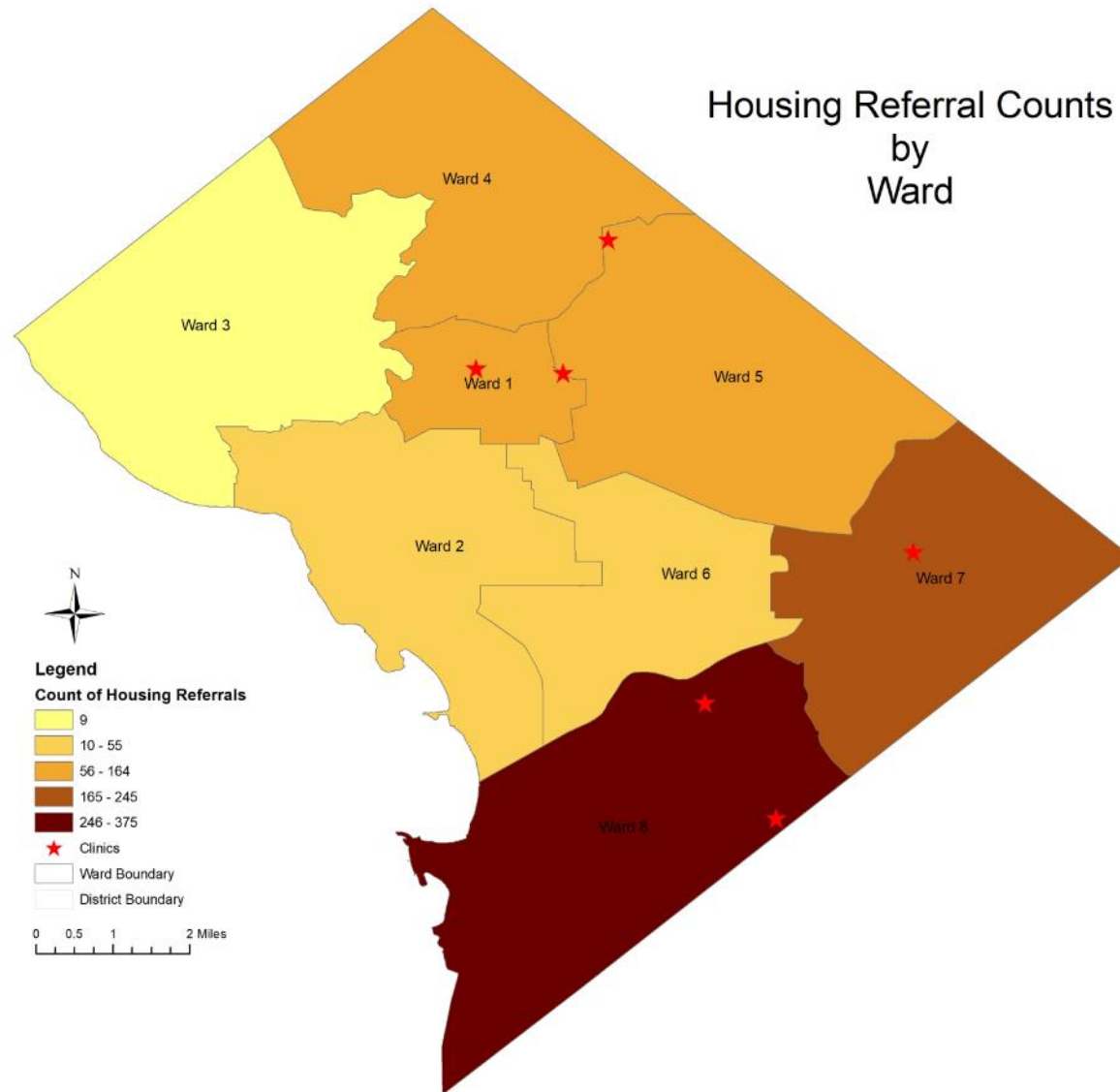
◆ Systemic Impact

- ◆ Comprehensive city-wide mental health plan for children released
- ◆ Innovative mold legislation
- ◆ Advocacy regarding laws impacting children with disabilities
- ◆ Testimony in agency oversight hearings
- ◆ Participation in shaping a civil court docket related to housing conditions and reshaping housing code

Cases Handled by Case Type, FY18



CLC Housing Referrals by Ward



CLC Referrals for Housing Conditions

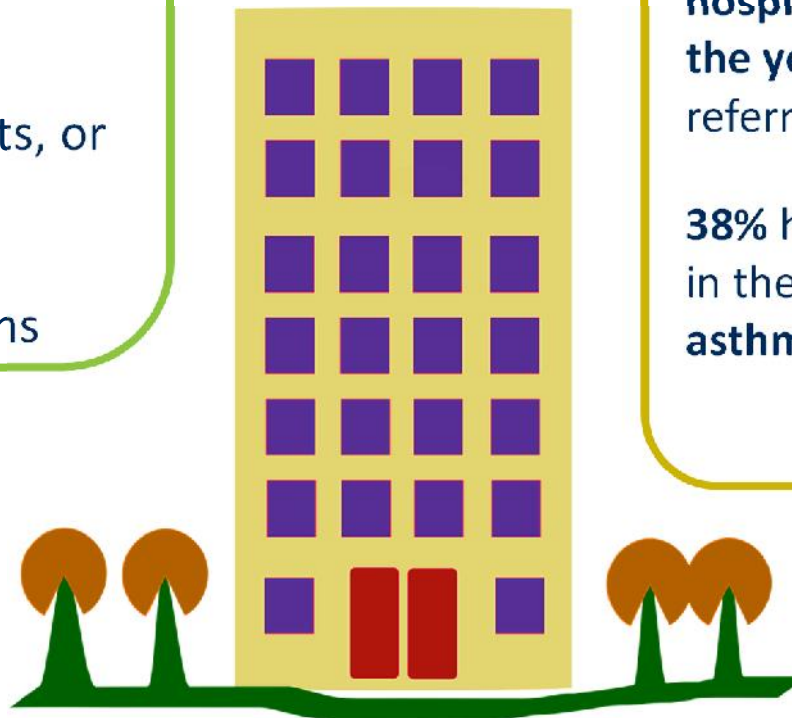
Most Common Health-Harming Housing Problems

- 41%** Mold
- 40%** Mice or Rats
- 32%** Insects
- 31%** Leaking sinks, toilets, or other plumbing
- 18%** heating or air conditioning problems

Health Impact

33% have a child who has been to the **ED or hospitalized in the year** prior to referral*

38% have a child in the home with **asthma**



Why Housing Conditions Cases?

- ◆ Filling a community need
- ◆ Hands-on lawyering
- ◆ Direct advocacy
- ◆ Litigation experience
- ◆ Concrete results for children
- ◆ Working with families

The background is a solid blue color with several faint, light-blue geometric shapes and lines. A prominent feature is a path of four small arrows pointing downwards and to the right, starting from the top left and ending near the center. There are also some larger, semi-transparent geometric shapes, including a square-like shape at the top and a larger, more complex shape at the bottom left.

Housing in DC

An Overview of the Basics

Basic Housing Vocabulary

- ◆ **Subsidized Housing**
 - ◆ Catch-all term that covers all publicly financed housing options
- ◆ **HUD: Department of Housing & Urban Development**
 - ◆ Federal department that oversees all federally funded public housing
- ◆ **DHS: Department of Human Services**
 - ◆ DC government agency that runs subsidy programs for families in the homelessness system

Basic Housing Vocabulary

- ◆ **DCHA: DC Housing Authority**
 - ◆ Operates public housing in DC
 - ◆ Oversees most tenant-based vouchers in DC
- ◆ **HQS: Housing Quality Standards**
 - ◆ These are the HUD standards used by HUD and DCHA to inspect properties
- ◆ **DCRA: Department of Consumer and Regulatory Affairs**
 - ◆ DC government agency that inspects residential, retail, commercial, etc. properties
 - ◆ Responsible for enforcing the DC Housing Code

Who is a Tenant?

Formal Lease



No Formal Lease



Expired Lease



Other Tenancy Situations

Foreclosure

Bank becomes the new landlord



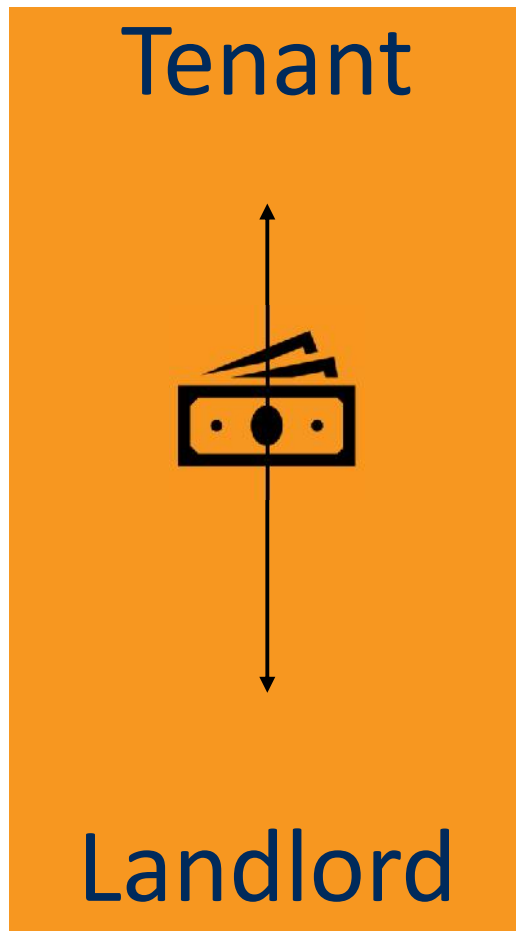
Ending the Tenancy

Requires good cause (lease violation, owner moving in)

Common Types of Housing

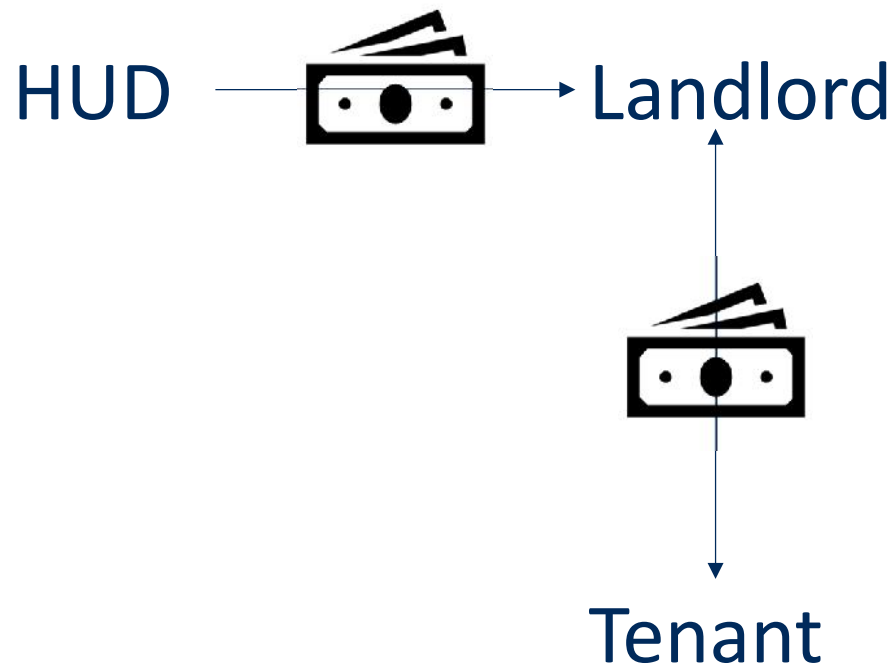
-  **Private Housing**
-  **Project-Based Section 8**
-  **DCHA Housing**
Public Housing and HCVP
-  **Rapid Rehousing**

Private Housing



- ◆ Tenant pays full rent

Project-Based Section 8



Project-Based Section 8

- ◆ Private landlord receives direct funds from HUD to operate subsidized housing.
- ◆ The subsidy stays with the unit.
- ◆ For most properties, oversight is by HUD Office of Multifamily Programs and the local HUD office.

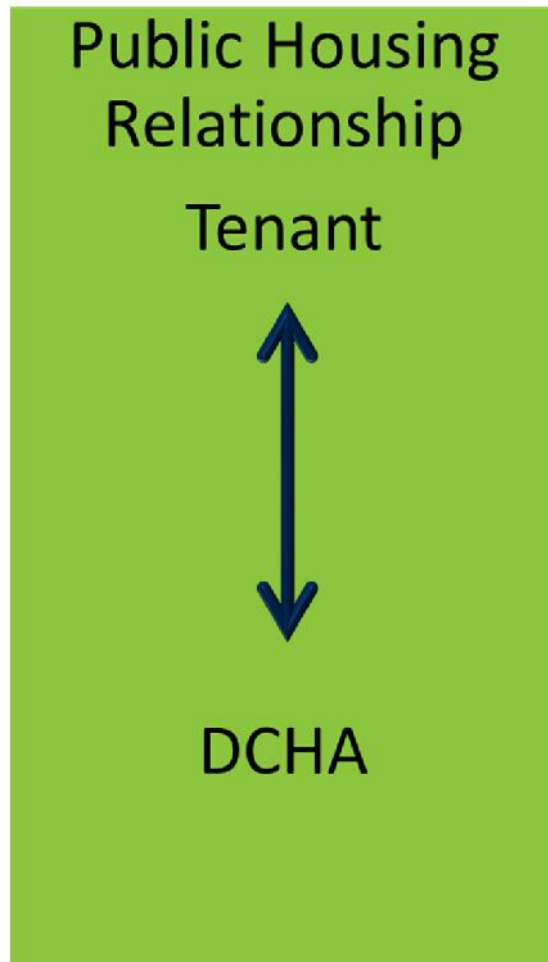
Project-Based Section 8

- ◆ Project-Based Section 8 Properties
 - ◆ Must apply to each property, which maintains their own waitlist
 - ◆ Waitlists are generally shorter
 - ◆ Housing may be for a specific population (i.e., families, disabled, elderly)
- ◆ No transfer between properties without a HUD waiver
- ◆ You can find the lists of project-based section 8 on the HUD Office of Multifamily Programs:
 - ◆ <https://resources.hud.gov/#>

DCHA Housing: Getting into It

- ◆ DC Housing Authority waitlists
- ◆ DCHA waitlist closed on April 12, 2013
 - ◆ There are currently 60,000 people on the waitlists for Public Housing and HCVP combined

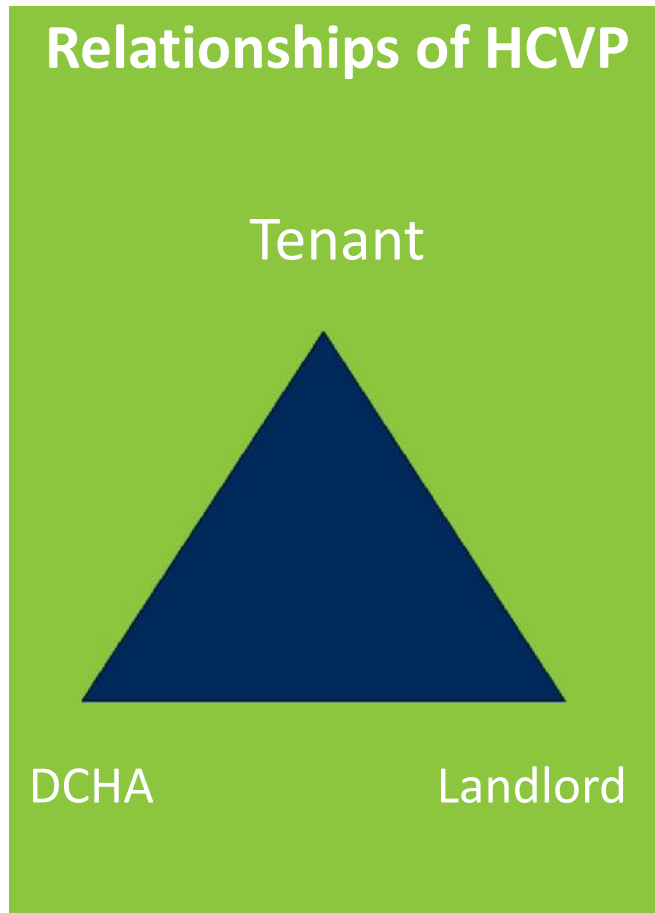
Public Housing



- ◆ Owned and operated by DCHA
 - ▶ Regular DCHA inspections of the property
 - ▶ Units are located throughout the city
 - ▶ People placed in public housing from the central waiting list maintained by DCHA (1133 N. Capitol St NE)
 - ▶ Transfers from one unit in one neighborhood to another unit in a different neighborhood are possible
 - ▶ Tenant recertifies at DCHA

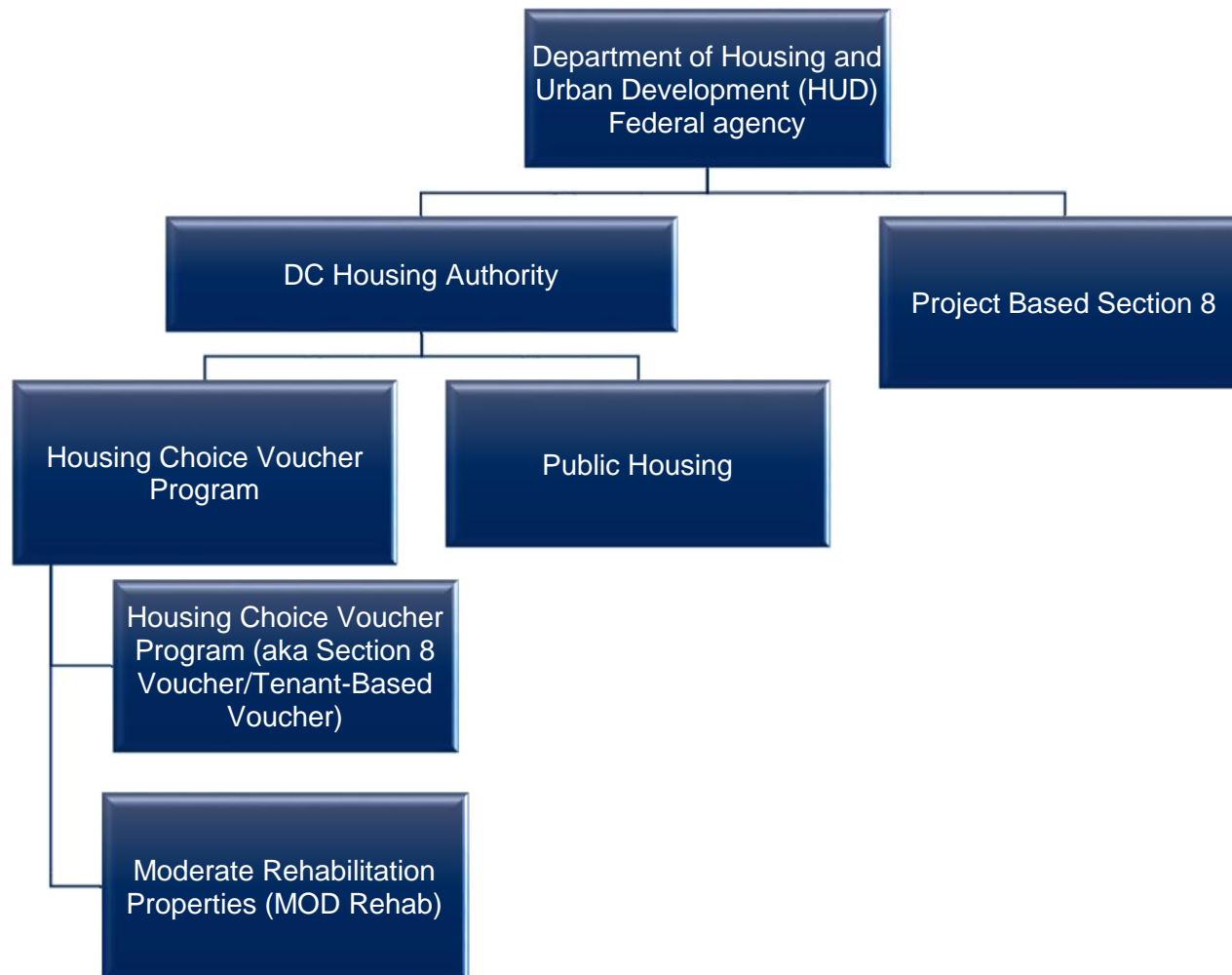
HCVP

Relationships of HCVP



- ◆ Housing choice vouchers (also still called Section 8 vouchers) are different from other public housing options:
 - ▶ A voucher allowing recipients to seek a place to rent on the open market.
 - ▶ Recipients pay 30% of their income toward rent. The government pays the rest.
 - ▶ Voucher is portable to anywhere in the US.

Who Oversees Whom



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Housing Conditions

Common Housing Issues

- ◆ Infestations of mice, rats, and/or cockroaches
 - ◆ In food/kitchen areas
 - ◆ Damaging furniture/mattresses
 - ◆ Crawling on children/biting children
 - ◆ Allergies from urine/feces/dander



Common Housing Issues

- ◆ Mold/Moisture
 - ◆ Allergies
 - ◆ Unsafe structurally - ceiling/walls collapsing



Common Housing Issues

- ◆ Needs repairs or repairs are inadequate
 - ◆ Screens missing or damaged
 - ◆ Cracks and holes in doors and walls
- ◆ Broken fixtures and appliances
 - ◆ Leaking refrigerator
 - ◆ Plumbing is backing up
 - ◆ Sparking outlets, broken light fixtures

Reasonable Accommodations

Carpet removal



Accessibility

- No wheelchair access
- Broken elevator
- No grab bars

Housing Conditions: The Law

- ◆ DCMR Title 14, Chapters 1-15 outline the Housing Code in DC
- ◆ International Property Maintenance Code with some local adaptations
 - ◆ https://os.dc.gov/sites/default/files/dc/sites/os/publication/attachments/OS_DCMR_12G_Property_Maintenance_Code_Supplement.pdf

International Property Maintenance Code > Title 14

- ◆ 102.4.1 Code precedence.
 - ◆ If a conflict arises between the Housing Code, Title 14 DCMR Subtitle A and the International Property Maintenance Code, the provisions of the Property Maintenance Code (IPMC) take precedence.

Housing Conditions: The Law

- ◆ Warranty of Habitability: A landlord has a duty to provide habitable apartments or houses and to repair housing code violations. A landlord cannot waive this duty in a lease.
- ◆ No one has to live in unsafe, hazardous, or unsanitary conditions
- ◆ Landlords must repair all conditions that are violations of the Housing Code or IPMC

Housing Conditions: The Law

- ◆ Tenants must also provide access to repair housing code violations
- ◆ Landlords may not ignore any problem that constitutes:
 - ◆ a fire hazard or
 - ◆ a serious threat to life, health, or safety of tenant

Mold Law

- ◆ Air Quality Amendment Act of 2014 (Public Law No. 20-135)
 - ◆ Codified at D.C. Code §§ 8-241.01-8-241.09
 - ◆ Effective September 9, 2014
- ◆ Department of Energy and the Environment Regulations (20 D.C.M.R. §§ 3200 *et seq.*)
 - ◆ Effective April 22, 2016

Mold Law

- ◆ Together, the statute and regulations:
 - ◆ Require landlords to inspect when a tenant submits a written complaint about the presence of mold.
 - ◆ Require landlords to remediate mold once it is discovered.
 - ◆ Require landlords to use licensed professional assessors and remediators when mold above a certain threshold is found.

Mold Law

- ◆ The law also:
 - ◆ Creates a professional licensing scheme for mold assessment and remediation professionals.
 - ◆ Imposes minimum guidelines for the remediation of mold.
 - ◆ Establishes penalties for landlords – and in some cases damages for tenants – when landlords do not follow the law.

Mold Law

- ◆ Mold: “living or dead fungi . . . on an interior surface of the building.” D.C. Code § 8-241.01(4).
- ◆ Indoor mold contamination: 10 sq. feet in an “affected area” —in close proximity or affected by the same water source. 20 D.C.M.R. § 3200.2.
- ◆ Visible - capable of being seen with the naked eye, either by a lay person . . . or by an indoor mold assessment professional following the standards in this chapter and best industry practices. 20 D.C.M.R. § 3200.2.

Mold Law

- ◆ Following written or electronic notice of indoor mold or suspected indoor mold, landlord must inspect within seven days. D.C. Code § 8-241.04(a); 20 D.C.M.R. 3206.3
 - ◆ Inspection must take place before the landlord removes or covers any mold.
 - ◆ Regulations establish guidelines for this visual inspection.
 - ◆ If the initial inspection reveals 10 square feet of mold or above, the landlord must engage a licensed indoor mold assessor and remediator. D.C. Code § 8-241.04(b); 20 D.C.M.R. §§ 3201.8, 3206.2, 3206.6.

Mold Law

- ◆ Landlord must remove visible indoor mold within 30 days of the inspection.
 - ◆ D.C. Code § 8-241.04 (b)

Mold Law

- ◆ For 10 square feet or above of visible mold:
 - ◆ Licensed mold inspector must conduct assessment and develop remediation plan
 - ◆ Licensed remediator must conduct remediation or supervise remediation
 - ◆ Best practice: Inspector and remediator are different
- ◆ For less than 10 square feet of visible mold:
 - ◆ Anyone can remediate
 - ◆ DOEE has issued guidance on remediation

Mold Law

- ◆ Tenant has the right to obtain a professional mold assessment.
 - ◆ If there is 10 square feet or more of mold AND report is provided to the landlord, this creates a rebuttable presumption of a Housing/Property Maintenance Code violation. D.C. Code § 8-241.05(a)(1)
 - ◆ Court can order reimbursement of assessment costs with finding of Code violation. D.C. Code § 8-241.05(a)(2)
- ◆ Treble damages may be awarded when the owner acts in bad faith. D.C. Code § 8-241.05(a)(2)

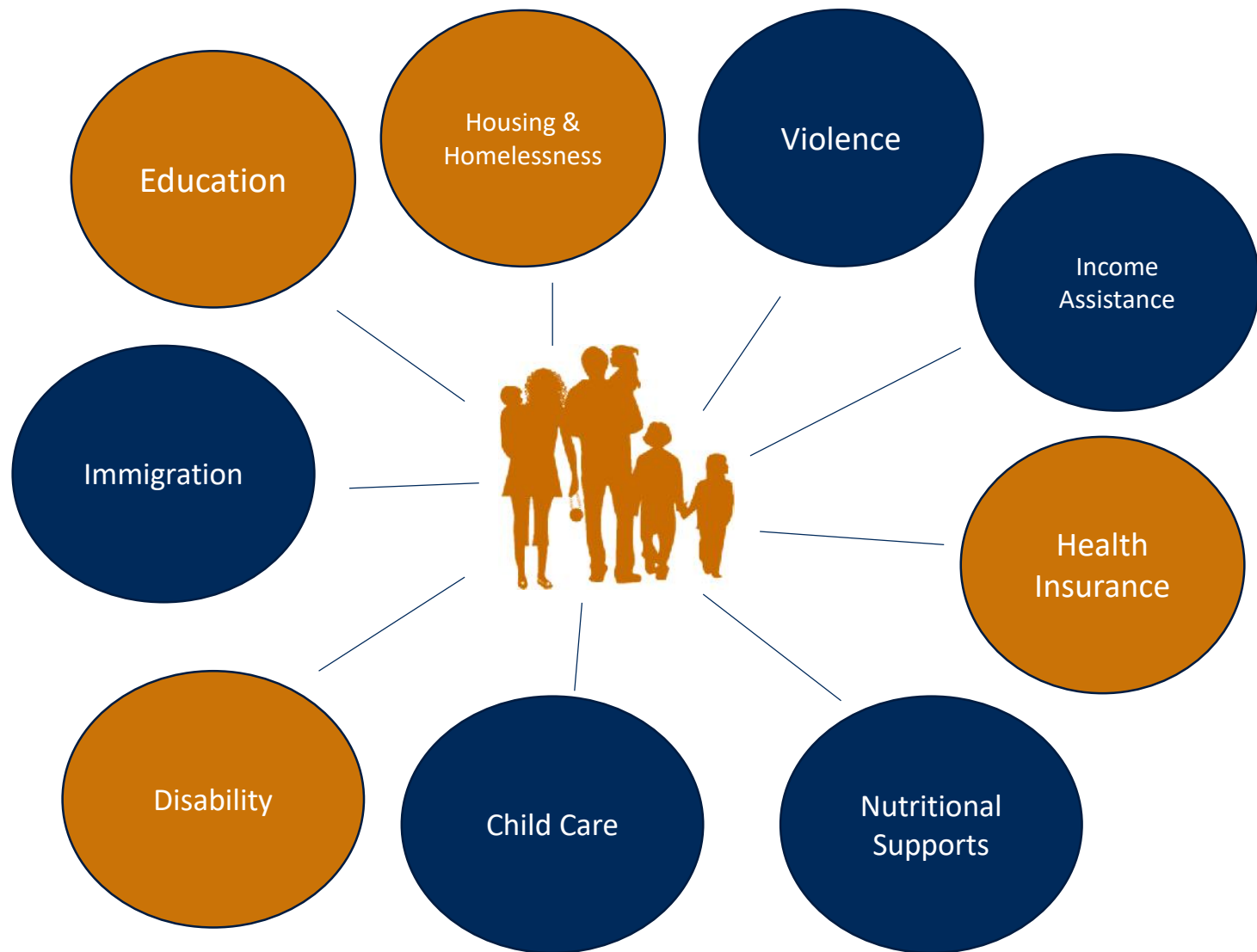
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Handling a Housing Conditions Case

The background is a solid blue color with several abstract, semi-transparent geometric shapes and lines. There are curved lines, a jagged shape, and some faint, light-colored lines that suggest a network or flow. The overall aesthetic is modern and clean.

Pandemic Considerations

Legal Issues Impacting Health Outcomes



Challenges Our Clients Face

- ◆ Income
- ◆ Education/literacy
- ◆ Reliance on public transportation
- ◆ Barriers to communication
 - ◆ Inflexible job
 - ◆ Transportation costs
 - ◆ Time commitment for using public transportation
 - ◆ Caring for an infant or other relative
 - ◆ Cost of cell phone minutes

What is poverty?

HHS POVERTY GUIDELINES FOR 2020

The 2020 poverty guidelines are in effect as of January 15, 2020

The [Federal Register notice for the 2020 Poverty Guidelines](#) was published January 17, 2020.

2020 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA	
PERSONS IN FAMILY/HOUSEHOLD	POVERTY GUIDELINE
For families/households with more than 8 persons, add \$4,480 for each additional person.	
1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120

First Steps

- ◆ When you take a housing conditions case from Children's Law Center, you will receive all the information and every document we were able to gather during our intake process
- ◆ You will receive an intro email from your mentor once you notify us that your conflicts check is complete
 - ◆ CLC will reach out to your client to notify them that we have found a pro bono lawyer to help and that the pro bono lawyer will reach out soon

First Steps

- ◆ **Contact the client as soon as possible to schedule initial client meeting (ICM)**
 - ◆ Ask them to update you on anything that happens with the landlord, including if the landlord contacts them for any repairs
 - ◆ Consider transportation and logistical challenges for the client
 - ◆ We suggest a first meeting in the client's home so you can see the conditions
 - ▶ ** Pandemic: likely virtual meeting*

Initial Client Meeting: The Basics

- ◆ **Sign retainer and release in the initial meeting**
 - ◆ Review and sign the retainer
 - ◆ Get client to sign a release of information
- ◆ **You will want to explain what it means to work with a lawyer**
 - ◆ Confidentiality
 - ◆ The relationship (e.g., the client is the “boss”)
 - ◆ Long and short term goals
 - ◆ Importance of staying in contact

Initial Client Meeting: The Basics

- ◆ Use simple language—don't use legalese or abbreviations!
- ◆ Discuss who will communicate with the landlord about repairs etc
- ◆ Be explicit about when you want them to contact you
 - ◆ Any contact from the landlord
 - ◆ Before signing anything

Pandemic Considerations

- ◆ The ICM will likely be virtual
 - ◆ Can you do a virtual inspection? Can you capture screenshots of the tour with their permission?
 - ◆ How will you get documents signed?
- ◆ Does your client want repairs?
- ◆ Do they want repairs of all the issues or only the most serious? How can you counsel about this?

Pandemic Considerations

- ◆ If you request repairs, discuss requesting:
 - ◆ All repair people should be masked
 - ◆ Minimize the number of repair people in the home
 - ◆ Sufficient advance notice so that your client can have other household members out of the home
 - ◆ If hotel is needed, consider what is needed for COVID-safety purposes (e.g., no one in the room 3 days before, kitchen so they don't have to eat out)

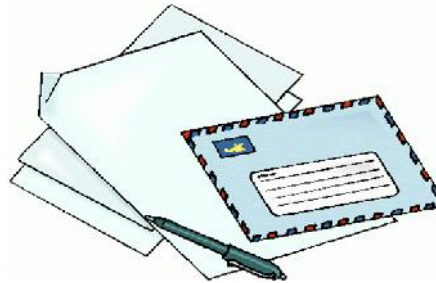
Representing Low-Income Clients: Getting and Staying in Contact

- ◆ Obtain several ways to contact client
 - ◆ Cell phone
 - ◆ Family member's cell phone
 - ◆ E-mail address
 - ◆ Preference for call, text, or email
- ◆ Google Voice
- ◆ Set a regular schedule for contact
- ◆ If you lose contact, call, text, email, send a letter



Representing Low-Income Clients: Written Communication

- ◆ Do NOT use legalese
- ◆ Written communication at 8th grade or below
- ◆ Do not mail retainer; explain it to the client in person



Representing Low-Income Clients

- ◆ Address the imbalance of power
 - ◆ Explain that client is the boss
 - ◆ Explain confidentiality
 - ◆ Use layman's terms
 - ◆ End with a written to-list for you and the client



Post ICM: Working Up Your Case

- ◆ Document the problems
 - ◆ Lawyer or paralegal could document
- ◆ Request any prior inspection reports
- ◆ Determine if you need any supplemental reports (i.e., mold inspector)

Who is the Landlord?

- ◆ To find the landlord, look at the lease AND check propertyquest.dc.gov
- ◆ Property management companies often sign the leases.
- ◆ BUT the owner has the ultimate legal responsibility and provides the funds for repairs, so you want to sue the owner.

Send a Demand Letter

- ◆ You may want to send a demand letter to the landlord listing all the problems.
 - ◆ For mold cases, you should send a demand letter.
- ◆ This ensures that there is notice prior to filing.
 - ◆ Maybe not if concerned about bad repairs & prior notice
 - ◆ Maybe not if TRO needed

Legal Options: DCRA Inspection

- ◆ Contact the Department of Consumer and Regulatory Affairs (DCRA): (202) 442-9557
- ◆ How it should work:
 - ◆ First inspection occurs within 1-2 weeks (except if no heat or water) unless it is diverted
 - ◆ If housing code violations exist, inspector will serve a notice of inspection with fines attached
 - ◆ Fines issued if not in compliance

Legal Options: DCRA Inspection

- ◆ Pro:
 - ◆ You have an inspection report
- ◆ Cons:
 - ◆ Delays case
 - ◆ Inspector is not always as thorough as court's DCRA inspector
 - ◆ Weak enforcement power, so landlord may not make repairs

**Pandemic: DCRA inspections are almost all virtual*

Legal Options: DCHA or HUD Inspection

- ◆ DCHA & HUD make annual inspections of all their properties
 - ◆ Inspections are based on Housing Quality Standards (HQS) sent by HUD, **not** the DC Housing Code
 - ◆ Can inspect more frequently upon request
- ◆ Pro:
 - ◆ This may help if you want to request a transfer or accommodation
- ◆ Con:
 - ◆ This may not be considered by the court since it is not a housing code inspection
 - ◆ Two failed inspections of HCVP properties could result in DCHA terminating the contract with LL and tenant being required to move

Legal Options: Reasonable Accommodations Request

Reasonable Accommodations Request



A reasonable change that would allow a person with a disability to have equal use or enjoyment of the property.

Legal Options: Reasonable Accommodations Request



- ◆ Who pays?
- ◆ It depends if the landlord is a public landlord or accepts federal money.
- ◆ A private landlord just has to allow the tenant to make a reasonable accommodation.

Legal Options: ADA/Fair Housing Request

- ◆ Common requests include:
 - ◆ Removal of carpet
 - ◆ Transfer to a unit without carpet
 - ◆ Permission to make modifications to address needs of a child
 - ◆ Transfer to a larger unit because child's medical equipment will not fit or a child needs his own room due to disability
- ◆ HUD DOJ Joint Statement on RA under the Fair Housing Act

Legal Options: Court

- ◆ Landlord Tenant Court
- ◆ Civil Docket
- ◆ Small Claims Court
- ◆ **Housing Conditions Calendar (HCC)**

Legal Options: Housing Conditions Calendar

- ◆ Calendar within Civil Court
- ◆ Tenants can sue for injunctive relief of repairs
 - ◆ Landlord Tenant court is for landlords to sue for eviction. Tenants must withhold rent to get into LLT court for repairs.
 - ◆ No rent, lease violations, or other issues
 - ◆ Court will generally not deal with any money issues (exception: prospective rent abatement)

Legal Options: Housing Conditions Calendar

◆ Filings:

- ◆ There are court forms that you can use to file the Complaint and Summons .
- ◆ Temporary Restraining Order (TRO) and/or Preliminary Injunction (PI): You can use forms or draft your own.
- ◆ In forma pauperis (IFP): Most of your clients will qualify for an IFP.
 - ▶ If they do not qualify, it is \$15 to file the case and \$10/motion.
- ◆ E-filing: After the initial filing, you should plan to file online. If your client has an IFP, you will need to set up a separate IFP account with DC Superior Court.

Pandemic Note

- ◆ You will file electronically by emailing your filing (not through the electronic filing system)
- ◆ Email:
 - ◆ Civilefiling@dcsc.gov and
 - ◆ Judge Epstein's law clerk at David.Schifrin@dcsc.gov
- ◆ ****you may receive different instructions once you try to file as this is constantly changing****

Legal Options: Housing Conditions Calendar

- ◆ Examples of when to file a TRO/PI:
 - ◆ No heat
 - ◆ Severe flooding
 - ◆ Constructive eviction
- ◆ You may also consider a PI where there is evidence you want in front of the judge prior to the first court date, such as pictures or reports. PI's are typically filed with TROs.

Legal Options: Housing Conditions Calendar

- ◆ Once you file:
 - ◆ Court is always on a Tuesday morning
 - ◆ Initial hearing will be 3-4 weeks after filing
- ◆ Serving the landlord:
 - ◆ Even though court will serve if you have an IFP, you should serve the landlord
 - ◆ Find corporate registered agents:
corponline.dhra.dc.gov
 - ◆ File affidavit of service prior to IH
 - ◆ Search L&T cases to see who represents the landlord, and email the complaint to them

Legal Options: Housing Conditions Calendar

- ◆ First Court Date:
 - ◆ Your client should attend court with you
 - ◆ If there is a dispute, the court will likely order the court's DCRA inspector to inspect the unit.
 - ◆ You may be able to get the landlord to agree to some repairs when before the judge.
 - ◆ If you want a written order (best practice) you must ask for one—the court does not regularly do them.
- ◆ * *Pandemic: hearing likely remote*

Legal Options: Housing Conditions Calendar

- ◆ DCRA inspection

- ◆ Court inspector will go to the unit on a date set in court
- ◆ You or a representative can attend the inspection
- ◆ Email the inspector to get a copy prior to the court date and to ask questions

** Pandemic: DCRA inspections likely virtual*

- ◆ Subsequent court dates

- ◆ Court will set a return date 3-6 weeks later to review DCRA inspection report and/or to check on repairs

Legal Options: Housing Conditions Calendar

- ◆ How long will you be in court?
 - ◆ Cases can last a few months or over a year depending on the speed and quality of the landlord's repairs

Legal Options: Housing Conditions Calendar

- ◆ Moving a case forward in the HCC
 - ◆ The judge generally treats HCC like a settlement court—meaning that very few trials are conducted and few orders are given.
 - ◆ BUT the Rules of the Civil Court apply and you can file motions and request orders, evidentiary hearings, and sanctions.
 - ◆ You can hire experts (i.e., mold, plumbers, electricians) if you want to present evidence on the underlying problem or the proper repair.

**Questions?
Interested in a case?**

**Email Jen Masi
jmasi@childrenslawcenter.org**



Thank you!



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