**How to Get Help for Emergency Housing Issues from the Court**

**How to file an Application for a Temporary Restraining Order and a Housing Conditions Complaint**

If your landlord is refusing or delaying extermination or repairs to problems in your unit, you can file a **complaint** against your landlord in the Housing Conditions Calendar in DC Superior Court.

If there is an urgent problem in your unit that immediately threatens your health and safety, the landlord is not responding, and you need the court to help right away, you can also file an application for a **temporary restraining order** **(TRO)** with the DC Superior Court.

**What is a TRO?**

* An application for a TRO is a request to see a judge the same day or very soon to get an order to fix an emergency issue.
* A TRO hearing is scheduled more quickly than a housing conditions complaint.
* At the TRO hearing, the judge may issue an order requiring the landlord to make urgent repairs.
* A TRO usually lasts for two weeks, then you will have to come back to court if the problem is not fixed. UPDATE FOR COVID-19: At this time, all hearings are being held by phone or online.

**If I file a TRO, do I have to file a housing conditions case too?**

* Yes! The TRO is a not a case by itself, so you must also file a complaint to start a case. In your housing conditions complaint, you can include information about any other housing conditions problems you are having. In addition to the TRO hearing, the court will also schedule a housing conditions hearing sometime in the future. UPDATE FOR COVID-19: At this time, the scheduling of housing conditions hearings may be delayed due to the public health emergency.

**What are the steps for filing an application for a temporary restraining order with a housing conditions complaint?**

1. **If you cannot afford the court filing fees, you can fill out pages 1 – 3 of an Application to Proceed Without Prepayment of Costs, Fees, Or Security.**
* There may be a $60 fee for the application for a temporary restraining order, a $20 fee for the motion for preliminary injunction, and a $15 fee for the housing conditions complaint. (To check the most recent information about court filing costs, visit [www.dccourts.gov/services/civil-matters/filing-fees](http://www.dccourts.gov/services/civil-matters/filing-fees).)
* On page 1, leave the boxes for “Caption” and “Case Number” blank. In the first question, you are the “Plaintiff/Petitioner”.
* If you check any of the following boxes, you do not need do fill out the rest of the form except to sign the form at the end:



1. **Fill out the Application for Temporary Restraining Order.**
* In this form, you will name the emergency conditions in your unit. Some examples of emergencies are: sewage overflow, ceiling caving in, no heat, no hot water, no water, or serious mold that is causing a household member to have asthma triggered to the point of hospitalization.
* If you would like to include a written description of what is happening, or evidence such as pictures, a DCRA/Department of Buildings inspection report, medical records, or copies of emails or text messages, you can write “see attached” on the form and include your story and/or evidence as attachments. It is very helpful to include this kind of evidence in your TRO filing, so your landlord and the judge can see the conditions before the hearing.
* Just above your signature on page 2, the form reads, “Wherefore, Plaintiff/Tenant prays that this Court…” and lists two forms of relief: granting the application for the TRO, and granting any other relief the Court decides to. “Relief” means what you want the judge to order. If you would like to add something specific that you want, you can add that in this section. Some examples could be to order a hotel stay while repairs are made, to order that the landlord provide you 24 hours’ notice before entering your unit to make repairs, and/or to order the landlord to hire licensed professional for the job (if licensure is required).
* You can leave the order (last two pages) blank.
1. **Tell your landlord that you will be filing an application for a TRO and fill out the TRO Affidavit of Notice.**
* At the hearing on your application for a TRO, you must show the judge that you told your landlord before you filed, so having written proof is helpful. If you did not tell your landlord, the judge may continue (delay) the hearing or deny your application.
* When you tell your landlord that you will be filing an application for a TRO, you can also email your landlord a copy of the application and attachments so the landlord can see what you are asking for. This may prompt the landlord to go ahead and start repairs.
1. **Fill out the TRO Summons.**
* At the top of page 1, write your name above the line labeled “Plaintiff/Tenant.” Write the landlord’s name above the line labeled “Defendant/Landlord.”
* At the bottom of the page, write your name on the line labeled “Plaintiff/Tenant.” Write your address on the line labeled “Address,” your phone number on the line labeled “Phone Number,” and the date on the line labeled “Date”. Leave everything else blank
1. **(OPTIONAL STEP) Fill out a Motion for Preliminary Injunction.**
* In addition to filing an application for a TRO, you may also choose to file a motion for preliminary injunction (an order for someone to do something or stop doing something). Most people who file for a temporary restraining order also file for a preliminary injunction, and judges usually expect to see a motion for preliminary injunction, but it is not required.
* A motion for preliminary injunction usually asks for the same or similar type of relief as the application for the TRO.
* If the judge grants your motion for preliminary injunction, the preliminary injunction will last longer than the TRO; however, judges rarely grant preliminary injunctions for housing conditions problems.
1. **Fill out pages 1 and 3 of the Housing Code Complaint.**
* Before the court will schedule a TRO hearing, you must file a housing conditions case in addition to your application for TRO.
* On page 1, you do not have to fill out the line after “Case No. CA” at the top, but you do need to fill in the landlord’s name and contact information. You can check your lease for this information or ask your property manager. UPDATE FOR COVID-19: Right now, you do not have to have this page notarized.
* On page 3, you will note *all* the housing code violations in your unit, not just the life-threatening condition. (For example: A tenant who has an urgent sewage leak may also want repairs for a broken window and cracks in the wall. The tenant would put information about the sewage leak in the application for a TRO and motion for a preliminary injunction, and information about the sewage leak *and* the broken windows and cracks in the wall in the housing conditions complaint.)
1. **Fill out the HCC Summons.**
* Fill out your information at the top left and your landlord’s information at top right.
1. **To file them you can either go in person to DC Superior Court and file in person or you can file them in the new DC case filing system Odessey. It may be faster to file in person for a TRO.**
* Your completed forms should include:
	+ Application to Proceed Without Prepayment of Costs, Fees, Or Security (IF NEEDED)
	+ Application for Temporary Restraining Order
	+ TRO Affidavit of Notice
	+ TRO Summons
	+ Motion for Preliminary Injunction (OPTIONAL)
	+ Housing Conditions Complaint
	+ HCC Summons
1. **You will be given a time to appear before the judge. It should be the same day if you file early enough in the day. If not, it may be the following day. The hearing will likely be virtual, but you should ask when they contact you.**
2. **During the hearing, the judge will decide whether to grant or deny your application for a TRO. If the judge grants the TRO, they will tell the landlord what they have to do. They may schedule a follow-up TRO hearing.**
* Have your paperwork with you during the hearing so you can refer to it. If the judge grants a TRO, check with the judge to make sure that everything you are asking for is included in the order.
* If the landlord does not attend the hearing, the judge may grant a TRO anyway, or they may schedule a new hearing for when the landlord may be available.
1. **After your TRO hearing, the next step is to have a housing conditions hearing. You will be given a date by the Court.**
* The court should provide you with a summons for the housing conditions hearing. You are responsible for “serving” (giving) the summons and your housing conditions complaint to the landlord at least 8 calendar days before the initial hearing for your housing conditions case, **but** **you are not allowed to be the person who gives the summons and complaint to the landlord.** Instead, you should find another person who is over 18 to serve the landlord. After they serve the landlord, this person should fill out the Affidavit of Service by an Individual for you to file with the court.
* If you filed an Application to Proceed Without Prepayment of Costs, Fees, Or Security and it was approved, the court is supposed to serve the summons and complaint for you; however, it can be helpful if you have someone who is over 18 years old serve the summons and complaint to be completely sure that the summons is served eight days before the hearing.
* If you have questions about serving your landlord, you can contact the **Landlord Tenant Legal Assistance Network (LTLAN) and Landlord Tenant Resource Center (LTRC)** at **202-780-2575.**