

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ORDER 19-18**

Housing Conditions Civil Calendar

(Supersedes Administrative Order 10-07)

WHEREAS, the Superior Court determined in 2010 that it is the interest of justice to quickly address conditions which constitute violations of the District of Columbia's housing code regulations in rental units in the District of Columbia, and it established a Housing Conditions Civil Calendar to expedite actions for enforcement of housing code regulations;

WHEREAS, the Housing Conditions Civil Calendar has been administered since April 2010 in accordance with a memorandum attached to Administrative Order 10-07, which describes the program, as well as the Superior Court Rules of Civil Procedure;

WHEREAS, it is now appropriate to replace the memorandum with a case management plan that provides complete and current information about management of cases on the Housing Conditions Civil Calendar and that is available to litigants and the public,

NOW, THEREFORE, IT IS HEREBY,

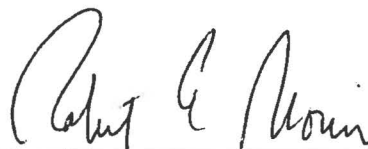
ORDERED that the Housing Conditions Civil Calendar shall be administered in accordance with a case management plan issued by the Court and with the Superior Court Rules of Civil Procedure; and it is further

ORDERED that nothing in this Order, the case management plan, or the Superior Court Rules of Civil Procedure shall be construed to require litigants to litigate claims regarding housing code violations solely in the Housing Conditions Civil Calendar, or limit the ability of litigants to seek relief to which they may be entitled through the filing of a complaint through the regular course in the Civil Actions Branch, Small Claims Branch, or Landlord and Tenant Branch of this Court (i.e., injunctive and monetary relief in the Civil Actions Branch, rent abatements and additional monetary relief in the Small Claims Branch, or rent abatements and counterclaims in the Landlord and Tenant Branch).

SO ORDERED.

BY THE COURT

Date: December 12, 2019



**Robert E. Morin
Chief Judge**

Copies to:

Judges

Senior Judges

Magistrate Judges

Executive Officer

Clerk of the Court

Director, Civil Division

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CASE MANAGEMENT PLAN FOR THE HOUSING CONDITIONS CIVIL CALENDAR

I. Introduction

The Housing Conditions Civil Calendar is a problem-solving court. Its goal is to efficiently and quickly achieve compliance with the District of Columbia Housing Code Regulations (14 D.C.M.R. §§ 500 – 900, 1200) and Property Maintenance Code (D.C.M.R. Title 12G). The Superior Court has worked closely with stakeholders to develop and improve this Calendar in order to expedite actions for enforcement of housing code regulations. A critical component of the Calendar is the housing inspector assigned by the D.C. Department of Consumer and Regulatory Affairs (“DCRA”).

II. Procedures

The Housing Conditions Civil Calendar is governed by the terms of these practices and procedures and the Superior Court Rules of Civil Procedure.

III. Complaint

Litigants who want their complaint to be heard on the Housing Conditions Civil Calendar are required to use Form CA 116 – Verified Complaint to Enforce Housing Code Regulations. The litigant must complete **both** pages of the Complaint. A litigant may supplement the Complaint with additional documents, but those documents will not be accepted as a substitute for Form CA 116, which must be completed in **every** case. A copy of the Complaint must be served on each defendant as described below.

Form CA 116 is available at the Civil Actions Branch Clerk’s Office, Moultrie Building, 500 Indiana Avenue, NW, Room 5000. The Complaint is also available online at https://www.dccourts.gov/sites/default/files/HCC_HousingCodeComplaint.pdf.

IV. Summons

In addition to completing and serving Form CA 116, litigants who wish to file a complaint on the Housing Conditions Civil Calendar are required to complete and serve the Summons to Appear in Court and Notice of Hearing. A copy of the Summons, Notice of Hearing, and Form CA 116 must be served on each defendant. Litigants will receive the date of the initial hearing at the time of filing the Summons with the Civil Actions Branch Clerk’s Office.

The Summons to Appear in Court and Notice of Hearing is available at the Civil Actions Branch Clerk's Office, Moultrie Building, 500 Indiana Avenue, NW, Room 5000. The Summons is also available online at https://www.dccourts.gov/sites/default/files/pdf-forms/HCC_Summons.pdf www.

V. Filing and Fees

A completed Form CA 116 – Verified Complaint to Enforce Housing Code Regulations and Summons to Appear in Court and Notice of Hearing must be filed in the Civil Actions Branch Clerk's Office, Moultrie Building, 500 Indiana Avenue, NW, Room 5000.

The filing fee for the Complaint and Summons is \$15.00. All other fees shall be in accordance with the schedule set out in Rule 202 of the Superior Court Rules of Civil Procedure.

Any party may file an application to proceed without prepayment of costs.

VI. Service of Process

The plaintiff must serve a copy of the Complaint and Summons on each defendant pursuant to Rule 4(c) – (j) of the Superior Court Rules of Civil Procedure.

The plaintiff must file with the Civil Actions Branch Clerk's Office either an acknowledgment of service of process or proof of service of process pursuant to Rule 4(l) of the Superior Court Rules of Civil Procedure at least three (3) calendar days before the initial hearing date, unless the Court exercises its discretion to extend this deadline.

The time limit for service of process in Rule 4(m) of the Superior Court Rules of Civil Procedure applies to cases on the Housing Conditions Civil Calendar. The Court has discretion to extend the time for service and schedule a new initial hearing.

Instructions for service are available online at https://www.dccourts.gov/sites/default/files/HCC_InstructionSheetForServiceOfHousingCodeComplaintAndSummons.pdf.

VII. Timing of Events

The clerk's office will schedule an initial hearing on the Housing Conditions Civil Calendar on the next available date no sooner than 21 days after the date of filing.

Due to the expedited nature of the Housing Conditions Civil Calendar, the plaintiff must serve the Complaint and Summons at least eight (8) calendar days before the date of the initial hearing.

As soon as proper service is established, the Court ordinarily schedules a prompt inspection by the DCRA housing inspector. The Court may schedule a re-inspection if warranted. The reports of the housing inspector generally provide the basis for the Court's assessment of the existence and abatement of housing code violations.

VIII. Answers and Motions

a. *Written Answer.* A defendant to a Complaint filed on the Housing Conditions Civil Calendar is not required to file a written answer.

If a defendant wishes to file an answer, the defendant may file an original written answer within twenty-one (21) days after service of the Summons and Complaint, or such additional time as the Court may allow. The written answer must be filed in the Civil Actions Branch Clerk's Office, Moultrie Building, 500 Indiana Avenue, NW, Room 5000, with a copy mailed to the plaintiff, or if the plaintiff is represented by an attorney, to the plaintiff's attorney.

b. *Motions.* Consistent with its problem-solving role, the Court minimizes motions practice to expedite resolution of housing code violations.

c. *Motions for Temporary Restraining Order or Preliminary Injunction.* If the alleged conditions in the rental unit constitute an emergency and pose an immediate threat to the health and safety of the occupants of the unit, a litigant may file a motion for a temporary restraining order and/or a motion for a preliminary injunction. The Court generally addresses more urgent housing code violations that arise after a complaint is filed, not through motions, but through the scheduling of inspections and status hearings.

IX. Calendar Management

Although the Court has the same jurisdiction over cases on the Housing Conditions Calendar as over cases on other calendars in the Civil Actions Branch, the Court imposes several limits on cases on the Housing Conditions Civil Calendar in order to keep the Calendar within manageable limits consistent with resource constraints. In addition, the judge presiding over the Calendar has discretion to manage the Calendar consistent with its purpose efficiently and quickly to secure compliance with housing code regulations.

The type of complaint suitable for the Housing Conditions Civil Calendar is limited in nature. The Calendar's sole focus is to achieve compliance with the housing code regulations. Litigants seeking relief other than abatement of violations, including monetary relief for the condition of the property, personal injury, damage

to personal property, or return of a security deposit, must pursue such relief in the appropriate Branch of the Civil Division. A litigant who brings a case on the Housing Conditions Civil Calendar may seek other relief in a new case filed after the case on the Housing Conditions Civil Calendar is dismissed without prejudice. The Calendar can and does impose sanctions, such as rent abatement, if necessary to achieve compliance with the housing code regulations.

The Calendar is limited to complaints by tenants living in rental units. Cases brought by other types of occupants, including residents with ownership interests in condominium or cooperative units, foreclosed homeowners, commercial tenants, and terminated employees of building owners, are addressed on other calendars in the Civil Actions Branch.

In addition, the Court requires tenants to give landlords reasonable notice of violations and a reasonable opportunity to correct them, including providing access to the rental property. The Court ordinarily addresses housing code violations that are directly related to any housing code violations identified in the original inspection, such as violations that result from or are revealed by attempted repairs of earlier violations. The Court ordinarily does not address housing code violations that arose either after the case began or after the first DCRA inspection was conducted.

As a problem-solving court, the Court does not conduct trials or, except in rare circumstances, evidentiary hearings.

If issues arise that cannot be addressed on the Housing Conditions Civil Calendar without adversely affecting the Court's ability to provide efficient and expedited enforcement of housing code regulations, the Court may certify the case to a randomly assigned Civil 2 Calendar or dismiss it without prejudice so that the plaintiff can file the case on a Civil 2 Calendar. If a case is certified to a Civil 2 calendar, a status hearing will be scheduled no more than four weeks from the date of the certification.

If a landlord filed in the Landlord and Tenant Branch a complaint for possession based on nonpayment of rent *before* the tenant files a complaint on the Housing Conditions Civil Calendar, issues relating to compliance with housing code regulations will be addressed in the Landlord and Tenant Branch, not on the Housing Conditions Civil Calendar. However, if the landlord files a complaint for possession in the Landlord and Tenant Branch *after* the tenant filed the complaint on the Housing Conditions Civil Calendar, the case on the Housing Conditions Civil Calendar will ordinarily proceed. A judge presiding over the Housing Conditions Civil Calendar has discretion to dismiss such a case without prejudice if (a) issues arise that cannot be addressed on the Calendar without adversely affecting the Court's ability to provide efficient and expedited enforcement of housing code regulations in other cases and (b) the Landlord and Tenant Branch can provide relief efficiently and expeditiously.