



**TENANT
EMPOWERMENT
TOOLKIT**

FROM
**THE LEGAL AID SOCIETY OF THE
DISTRICT OF COLUMBIA**



Welcome to our Toolkit!

We created this guide to give tenants in the District of Columbia the knowledge and power to exercise their housing rights. We hope this guide will help you:

- understand the law and your rights,
- understand what you can do when you have housing problems,
- organize with your neighbors, and
- know when to contact a lawyer.

This guide reviews tenants' rights and legal options as of May 25, 2021. The law may have changed by the time you use this guide. If you have questions about your situation, you should speak with an attorney.

Legal Aid offers free legal services to low-income D.C. residents. If you have a housing issue and you want legal assistance, you can apply for Legal Aid's services in several ways.

- You can apply online: <https://www.legalaiddc.org/online-intake/>
- You can apply by phone: (202) 628-1161

You may be able to apply in-person. Please call (202) 628-1161 for more information about applying in-person.

The Basics

Landlord-Tenant Law in DC

In DC, a landlord can only evict you for certain reasons.

These reasons include:

- You are behind on rent, or
- You broke the lease in a serious way.

A landlord cannot evict you for the following reasons:

- Your lease is "expiring,"
- Your landlord does not like you,
- You asked for repairs to your home, or
- Your landlord is selling the property.

Eviction Process

Even if the landlord believes they have legal grounds to evict you, you might have defenses. Even if you get a formal letter or notice, you do not need to leave. You should contact a lawyer before you decide to move.

If your landlord wants to kick you out, they must go to court to get permission from a judge. If you get court paperwork, contact a lawyer to talk about your options. Remember, if your landlord has a lawyer, that lawyer is not hired to help you-- that lawyer is helping the landlord. You should always try to get your own lawyer.

If your landlord tries to get you to leave without going to court first, contact a lawyer! Here are examples of illegal evictions:

- Cutting the power,
- Disconnecting the water,
- Changing the locks,
- Throwing your belongings into the street, or
- Threatening to call immigration.

Conditions Issues

What can I do about problems in my home?

DC law requires landlords to keep properties in a safe and sanitary condition.

Some common problems tenants face that a landlord is required to fix include:

- Mouse and roach infestation,
- Doors and windows that do not lock properly,
- Leaks,
- No heat or hot water.

My landlord is not making repairs or is not stopping the spread of mice, rats and bugs. What should I do?

1. Take photos and videos.

These can help show your landlord exactly what the problem is. They can also be your evidence in case the landlord does not make the repair. Save them or back them up online.

2. Send the photos and videos you took to your landlord along with a written request that the landlord make the repair.

It's harder for a landlord to ignore a photo than it is for them to ignore your calls.

A text message, email, formal letter, or a hand-written note are all good ways to tell your landlord about the problem. Whatever method you choose, keep a copy for yourself by saving the text message or email, photocopying the letter, or taking a photo of the note before you deliver it.

There is a sample letter and checklist of potential problems included in this packet. You can use this as an example, or fill it out and give a copy to your landlord.

Conditions Issues Continued

3. If your landlord does not respond to the problem, call DCRA.

DCRA (the Department of Consumer and Regulatory Affairs) is a DC government agency that inspects buildings and homes for housing code violations. If DCRA finds a violation, they are supposed to tell your landlord and send a written notice to your landlord. DCRA may also fine your landlord for the violation. You can call (202) 442-9557 to request a free inspection.

Make sure to ask for the DCRA inspector's report and hold onto your own copy. This may be useful evidence to you later, if your landlord still does not make the repairs.

4. If that doesn't work, you can file a case in the Housing Conditions Calendar of the DC Superior Court.

The DC Superior Court has a special section of the court called the Housing Conditions Calendar. This part of the court is for tenants who want to take their landlords to court for not making repairs. The most you can get from filing this type of case is getting the landlord to make repairs – you cannot get money for damage in a Housing Conditions Calendar case.

If you would like more information about filing a Housing Conditions Calendar case, please call Legal Aid at (202) 628-1161.

5. If that doesn't work, consider withholding your rent. But beware of the risks.

In DC, tenants have the right to withhold (not pay) all or part of the rent when a landlord fails to keep the rental housing in a safe, sanitary condition or fails to make repairs within a reasonable time.

However, only a judge can decide whether or not you were right to withhold your rent, and the landlord can still take you to court if you fail to pay all or part of your rent.

Conditions Issues Continued

That's why it is risky to withhold rent, because you are putting yourself in a position where your landlord could take you to court. This could be bad for your credit and could cause problems when you're looking for rental housing in the future. If you miss a court date or lose your case, you could also be evicted.

There are many risks to withholding your rent, so you should probably talk to a lawyer before you decide not to pay rent.

If you decide to withhold your rent, you should set it aside in a safe place (such as a savings account) where you can be sure that you will not spend it. If the judge decides you were wrong to withhold your rent, you will need to pay back all or some of the money you owe to avoid being evicted.

If you decide to withhold your rent, you should write a letter to your landlord explaining that you are withholding your rent because the landlord has not made repairs. In your letter, be specific about what the landlord has failed to do. If you have not already sent your landlord photos of the conditions, do that now.

6. Talk with your neighbors and see if there is a collective solution.

There can be strength in numbers. If your landlord is not making repairs to your home, they are probably not making repairs to your neighbors' homes either.

Talking to your neighbors is a great way to build your own confidence and share what you know about your rights as tenants. If you and your neighbors decide to all follow the same strategy (such as all calling DCRA, all filing cases in the Housing Conditions Calendar, or all withholding rent), the impact of your actions can be much bigger than if one person acts alone.

**Remember, if you would like to apply for legal assistance, you can call
Legal Aid at (202) 628-1161.**

Strength in numbers

Organizing with your neighbors

Why should I organize with my neighbors?

Do you need repairs done, but your landlord ignores your requests? Have you received threatening letters from your management company? Do you have other concerns about the safety and comfort of your home?

You probably aren't alone. Your neighbors may be facing the same issues.

Organizing a group of tenants to take action can:

- Pressure the landlord to respond to tenants' needs, even if the landlord doesn't respond to an individual tenant.
- Help tenants to exercise their rights while decreasing the burden of doing everything alone.
- Create a structure to quickly and collectively bring up issues in your building and pressure your landlord to be more responsive to your demands.

What is a tenant association?

A tenant association is a group of tenants living at the same property who meet and discuss issues in their building to solve problems and achieve goals set by the group.

A tenant association does not need to be formally incorporated. A formal, incorporated tenant association may be able to take additional actions, like participate in a court case. Your tenant association, however, does not need to be incorporated or registered with the government to be an important voice in your community. There are many successful tenant groups that are not formally incorporated!

Strength in numbers

Continued

What can my tenant association do?

A tenant association can be focused on whatever its members want to focus on. If your landlord is selling the building, tenants might want to organize to exercise rights related to residential building sales. If there are building-wide conditions problems, tenants might want to organize to try to get repairs made. Tenant associations give you and your neighbors a space to identify common goals and strategize how to achieve them.

I've heard about buildings going on "rent strike." what does that mean?

A rent strike is when tenants at a building work together and decide to withhold (not pay) rent to the landlord. Rent strikes pressure the landlord to make repairs or take some other action. Often, rent strikes are coordinated by tenant associations with the help of experienced, professional organizers.

Effective rent strikes require:

- Planning and cooperation. Tenants should decide how they will set aside their rent in a safe place, such as an escrow account. Tenants also must work together to decide when to end the strike.
- An understanding of the risks. If tenants don't pay rent, the landlord may take tenants to court, and that can be bad for a person's credit and for trying to rent a home in the future. If you miss a court date or lose your case, you could be evicted.

Because of these risks, we recommend you talk with a lawyer and experienced tenant organizers before starting a rent strike. Please call our office if you are considering organizing a rent strike and get in touch with one of these groups:

- *Housing Counseling Services: call (202) 900-9464*
- *Latino Economic Development Center: call (202) 540-7439*

Strength in numbers

Continued

How do I form a tenant association?

1. Identify a problem.

Tenants can organize around many kinds of issues. Are there conditions issues or housing code violations in your unit? Have you gotten a threatening letter from your landlord? Are there problems in the common areas of your building?

2. Talk to your neighbors.

Ask your neighbors if they are having similar experiences. If there are neighbors you don't know or speak with often, knock on their doors or leave a note asking them how they feel about the job the landlord is doing. If you share your own experience first, it may make your neighbor more likely to share their experience.

During the public health emergency, door-knocking and in-person meetings may not be a safe option for everyone. Instead, you can post fliers with a phone number (set up a Google voice number if you don't want to use your own number) or start a group chat using WhatsApp or a similar app. You can meet via Zoom, Google Meet, or another platform.

3. Schedule meetings and invite everyone.

Put up fliers to get the word out! Try to get as many of your neighbors as possible to show up so that all voices are heard. Tell people what the meeting will be about, so they know what to expect.

If you have questions about your rights as tenants, call us. We may be able to find a group that will present a "Know Your Rights" session for you and other tenants.

Strength in numbers

Continued

4. At the meeting, discuss, listen, set goals, and take notes.

- Have a sign-in sheet (or note who is in attendance if you're on a video call) for the meeting so you know who participated and how to contact each them.
- Identify common issues that you and your neighbors are having, and brainstorm ways to get your landlord to take needed action. Would it help to write a letter with a list of demands and have many tenants sign? Are there improvements that you and your neighbors would like made to the building? Speak up, listen, and work with one another to set goals and determine your group's priorities.
- Take notes to remember what was said and so that people who couldn't attend can know what happened.

5. Take it to the next level.

Formalize the tenant association. Once you begin working together to make improvements in your building, it might be helpful to set ground rules for how you'd like meetings to run to make sure that everyone's voice is heard. It can be helpful to get volunteers to work on specific goals or tasks and establish clear membership criteria.

6. Connect with other resources in the community.

There are a number of professional organizations that can help your tenant association achieve your goals. These organizations may give trainings, help write bylaws, or help you create an official board. If you need additional support in choosing leaders or setting ground rules, call one of the following organizations:

- Housing Counseling Services: call (202) 900-9464
- Latino Economic Development Center: call (202) 540-7439

Strength in numbers

Continued

How can I make sure our tenant association is successful?

It takes hard work to identify common goals and stay unified in your work with your neighbors. Here are a few tips to keep in mind:

- Focus on building-wide issues. Accept that, while differences will arise, they do not have to divide. Landlords or management may try to use any divisions or differences between you and your neighbors to weaken your association.
- Set rules that allow you to make decisions while ensuring that every voice is heard. You may want to share an agenda before every meeting, take turns speaking, make decisions by majority vote, or elect officers or a board with the power to act on behalf of the association. Writing these rules down can make sure that they are followed and not forgotten.

Remember, your landlord is not allowed to interfere with or stop tenants from organizing.

Your landlord cannot:

- Lock you out of your community areas or tell you you're not allowed to meet in common spaces,
- Ask you to stop knocking on doors, or
- Remove or prohibit posting flyers.

If your landlord is getting in the way of your tenant association, ask your landlord to stop. If they keep interfering, keep records of conversations, phone calls, emails, texts, photos or videos as evidence, and contact professional organizers. Here are two organizations that may be able to help:

- Housing Counseling Services: call (202) 900-9464
- Latino Economic Development Center: call (202) 540-7437

Housing Code Violations Letter

LANDLORD

ADDRESS

Washington, DC ZIP

DATE

Dear LANDLORD:

I am a tenant at ADDRESS. I have several problems in my home, and these problems are violations of the D.C. Housing Code. I am giving you a list of these problems. I am also giving you pictures I took of the problems.

Please contact me at PHONE NUMBER/EMAIL ADDRESS to set up a time to inspect my home and make sure these repairs are addressed.

TENANT NAME

Regards,

TENANT

ADDRESS

Washington,

DC ZIP

Checklist of Housing Problems

Date: _____

Heating

- Does not turn on/off (circle which one) Is inadequate
- Parts of heating system are missing/broken (explain) _____
- Problem with vents (explain) _____
- Other: _____

Cooling/Air Conditioning

- Does not turn on/off (circle which one) Is inadequate
- Parts of A/C unit are missing/broken (explain) _____
- Problem with vents (explain) _____
- Other: _____

Electricity

- Goes out Is dangerous (explain) _____
- Does not turn on (in the following rooms) _____
- Broken outlets (in the following rooms) _____
- Other: _____

Plumbing

- Low water pressure Dripping faucet(s)
- Running toilet(s) Clogged sink/tub/toilet (circle which one(s))
- No hot water Slow draining sink/tub/toilet (circle which one(s))
- Other: _____

Pests

- Rats/Mice/Rodents (circle which one(s)) Cockroaches
- Bed bugs Other: _____

Water Damage/Mold

- Water damage/stains (in the following rooms): _____
- Mold/mildew Active water leak(s) (explain): _____
- Other: _____

Windows

- Do not open/close properly Let air in/are drafty
- Have holes/gaps
- Have torn/missing window screen (in the following rooms): _____
- Other: _____

Walls/Ceiling

Cracked, bubbling, peeling paint (circle which one(s) in the following rooms):

Cracked, bubbling, peeling, crumbling plaster (circle which one(s) in the following rooms):

Sagging ceiling (in the following rooms): _____

Leak in ceiling (in the following rooms): _____

Ceiling has caved in (in the following rooms): _____

Other: _____

Doors

Missing/broken/defective hardware (circle which one(s))

Off hinges/tracks

Does not open/shut properly (circle which one(s) in the following rooms):

Does not lock properly (in the following rooms):

Front/back door not sufficiently weatherproofed (have gaps that let light/air in)

Other: _____

Flooring

Missing/broken/chipped floor tiles (circle which one(s))

Water damage on floor tiles Have holes/gaps Missing/broken thresholds

Subflooring exposed Carpet needs to be replaced

Other: _____

Appliances

The following appliances do not work/are broken:

Refrigerator Freezer Stove top burners Kitchen sink/faucet

Range hood above stove Oven Microwave Dishwasher

Washing machine (In unit/building-wide) Dryer (In unit/building-wide)

Exterior/Building-wide

Front door is broken Front door does not lock Broken elevator

Missing pieces of door/door off of hinges Missing/broken door knob

Front door does not fit in door frame Missing/broken steps/stairs

Missing/broken roof tiles Water damage/leaks in roof explain)_____

Exposed electrical wiring Problem with mailbox (explain)_____

Other: _____