



## P R O B O N O P R O G R A M

### **Superior Court of D.C. to Launch Housing Conditions Court in Spring 2010**

Over 40,000 cases are filed each year in the Landlord and Tenant Branch of the Superior Court of the District of Columbia. Many of these cases are filed against tenants who have intentionally withheld rent from their landlord in an effort to force the landlord to make legally required repairs.

Historically, the Court has been organized such that only landlords could file cases for possession which is a summary eviction process designed to be simple and inexpensive.

There has been no similar court for tenants seeking to enforce their landlord's obligation under the housing code or the lease to maintain habitable premises. Their recourse has been to withhold rent and defend an action for possession or prepare a formal complaint, file it in the Civil Actions Branch, pay a much higher filing fee, and contend with significantly more complex court rules and procedures.

In 2009, prompted by a request from the D.C. Access to Justice Commission, the Court convened an advisory working group to explore whether it should create a summary calendar within the Civil Division to hear tenant housing complaints.

In consultation with the advisory group, the Court has designed a summary process for enforcing housing code regulations, including creating a simple Complaint and other standard forms and reducing the filing fee. The Court is scheduled to begin receiving filings in April, 2010.

It is likely that a very high percentage of the litigants in this new court will initiate actions without the benefit of counsel. The existing continuum of court-based and free legal services will be an important component to assist these litigants in accessing and utilizing the new court. The D.C. Bar Pro Bono Program's Landlord Tenant Resource Center will provide information and pro se assistance to unrepresented plaintiffs and defendants. D.C. Law Students in Court and the Court-Based Legal Services Project will represent eligible tenants and/or help negotiate resolutions. The existing network of legal services providers, including the Pro Bono Program, will provide extended services when appropriate.

The D.C. Bar Pro Bono Program, through its projects and partnerships, will monitor the Court for effectiveness and fairness and provide ongoing feedback to the Court and the community.