

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION, LANDLORD AND TENANT BRANCH
BLDG. B, 510 4th STREET, N.W., RM. 110
Washington, D.C. 20001 Telephone (202) 879-1152

Plaintiff/Landlord

v.

L&T. _____

Defendant/Tenant

THE CLERK OF THE COURT will please note that Defendant/Tenant submits the following (check only those that apply):

Answer In A Residential Non-Payment of Rent Case

Bench Trial Request

Jury Demand

If you want a jury trial, you must reserve your right to do so at your first court hearing. You also must include your request for a jury trial at the time you file an Answer. Before you do this, you should speak to a lawyer about whether requesting a jury trial is the best thing to do in your case. Jury trials are very complicated, can take a lot of time to prepare for, and will include several court appearances. If you do not request a jury trial, a bench trial will be scheduled by default.

The \$75 fee has been paid to the Court.

The \$75 fee has been waived by the Court (You must complete an "Application to Proceed Without Prepayment of Costs or Fees, With Affidavit").

Counterclaim

If you are going to file a counterclaim, you must do so at the time you file an Answer. Before you do this, you should speak to a lawyer about whether filing a counterclaim is the best thing to do in your case. If a judgment is entered against you, filing a counterclaim for a money judgment may allow your landlord to take money from (garnish) your wages and bank account even if you were not personally served or hand-delivered the Complaint.

The \$10 fee has been paid to the Court.

The \$10 fee has been waived by the Court (You must complete an "Application to Proceed Without Prepayment of Costs or Fees, With Affidavit").

Recoupment

A recoupment asks the Court to lower the amount of back rent allegedly owed because of housing code violations in the unit. If you are going to file a recoupment, you must do so at the time you file an Answer. There is no fee to file a recoupment.

Set-Off

A set-off asks the Court to lower the amount of back rent owed because the tenant paid for repairs or damages to the unit out of their own pocket. If you are going to file a set-off, you must do so at the time you file an Answer. There is no fee to file a set-off.

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ANSWER IN A RESIDENTIAL NON-PAYMENT OF RENT CASE (FORM A)

Use this form if your landlord filed Complaint Form 1A. You are not required to complete this form to defend your case unless requesting a jury trial or filing a counterclaim, recoupment and/or set-off.

1. I do not owe the amount of money my landlord says because (check only those that apply):
- (a) the landlord is suing me for money I already paid.
 - (b) I am a Section 8 voucher tenant and have paid my portion of the rent, but I believe the D.C. Housing Authority (DCHA) has stopped paying the landlord through no fault of my own.
 - (c) other (specify): _____.
2. At the time the complaint was filed, I owed less than \$600
3. I do not owe the amount of money my landlord says because there are and/or have been serious housing code violations in my residence that the landlord knew about or should have known about, but refused or failed to fix, and which were not caused by me or my family or guests, including serious problems with (check only those that apply):
- | | |
|--|--|
| <input type="checkbox"/> hot water or no water | <input type="checkbox"/> leaks |
| <input type="checkbox"/> heat or no heat | <input type="checkbox"/> electric wiring |
| <input type="checkbox"/> smoke detectors or fire hazards | <input type="checkbox"/> holes |
| <input type="checkbox"/> toilet, shower, or sinks | <input type="checkbox"/> peeling paint |
| <input type="checkbox"/> stove | <input type="checkbox"/> windows or screens |
| <input type="checkbox"/> refrigerator | <input type="checkbox"/> floors or carpeting |
| <input type="checkbox"/> other kitchen appliance | <input type="checkbox"/> walls |
| <input type="checkbox"/> mice, rats, roaches, or other pests | <input type="checkbox"/> existing A/C unit |
| <input type="checkbox"/> building complex or property | <input type="checkbox"/> doors or door locks |
| <input type="checkbox"/> mold or mildew | <input type="checkbox"/> other _____ |

I do not owe the amount of money my landlord says because my landlord is charging me an illegal rent level.

(a) I filed Tenant Petition No. _____ at the Rental Accommodations and Conversion Division to decide this issue.

4. My landlord wants to evict me because (check only those that apply):

(a) I complained about problems in my residence to the landlord.

(b) I complained about problems in my residence to a government agency or a housing inspector (ex. DCRA)

(c) I am helping or organizing other tenants to improve the conditions in their residences and/or the building complex.

(d) other (specify): _____.

5. Before your landlord files a case in Landlord Tenant Court, you are entitled to receive a notice telling you how much money you owe, called a Notice of Past Due Rent or a Notice of Intent to File a Claim (check no more than one):

(a) I **did not** receive a Notice of Past Due Rent/Notice of Intent to File a Claim before being sued for eviction and served with a Complaint to appear in Court.

(b) I **did** receive a Notice of Past Due Rent/Notice of Intent to File a Claim before being sued for eviction and served with a Complaint to appear in Court,

but:

(i) I do not owe the amount of money in the Notice.

(ii) The Notice gave me fewer than 30 days

(iii) I paid all the money required under the Notice.

(iv) The Notice was not written in both English and Spanish.

(v) Other (specify): _____

6. I do not know (check only those that apply):

(a) if the Plaintiff owns the property in which I reside.

(b) if the Plaintiff has the authority to act on behalf of the property owner.

7. My landlord did not provide me with a copy of the Complaint correctly because (check only those that apply):

(a) I never received a copy of the Complaint.

(b) it was handed to a person under 16 years old.

(c) it was handed to a person who does not reside on or is not in possession of the premises sought to be recovered.

(d) it was delivered directly by my landlord (instead of having someone else deliver it).

(e) my landlord mailed me a copy, but did not put a copy on my door.

(f) my landlord put a copy on my door, but did not mail me a copy.

(g) my landlord did not provide photographic evidence of alleged service by posting

(h) other (specify): _____.

8. State any other reason(s) why your landlord cannot evict you: _____

COUNTERCLAIM: *Make sure you understand the consequences of filing a counterclaim before checking this box. There is a \$10 fee unless waived.*

I paid more rent to my landlord than what my residence is worth because of the serious housing code violations I described in #3 above which started on the following date (but which is not more than 3 years ago): _____, 20__.

(a) I request a money judgment against my landlord for the amount I overpaid.

(b) I request the Court order my landlord to repair the serious housing code violations I described above.

RECOUPMENT:

I paid more rent to my landlord than what my residence is worth because of the serious housing code violations I described in #2 above which started on the following date: _____, 20__. I therefore request the amount I

overpaid be applied to any amount I owe my landlord.

SET-OFF:

I paid to fix some of the serious problems I described in #2 above which my landlord should have fixed, but refused or failed to fix. I therefore request the amount I paid to fix some of the serious problems be applied to off-set any amount I owe my landlord.

REQUIRED TO CHECK AND COMPLETE ONE (AND ONLY ONE):

I am requesting a judge decide my case.

I have read my Answer and declare under penalty of perjury that all the foregoing information is true and accurate to the best of my knowledge and belief.

I am requesting a jury decide my case. *Make sure you understand the consequences of filing a jury demand before checking this box. There is a \$75 fee unless waived.*

I have read my Answer and declare under penalty of perjury that all the foregoing information is true and accurate to the best of my knowledge and belief.

Defendant/Tenant

Address

Phone Number

Executed this _____ day of _____, 20____.

CERTIFICATE OF SERVICE

REQUIRED: I hereby certify that a copy of this Answer was

(check one) hand-delivered mailed to

Plaintiff/Landlord or Plaintiff/Landlord's Lawyer on the following date:

_____, 20____ at the following address: _____

_____.

Signature of person who hand-delivered or mailed a copy of the Answer