

Parent Advocacy Tips

1. Document problems or concerns

- a. Get copies of important documents related to your problem and keep them together in a file
- b. Get promises or refusals to do things in writing
- c. Use a notebook and calendar to write down concerns or problems
- d. Take good notes about conversations you have
- e. Take pictures if possible

2. Read everything

- a. Even if people are rushing you, read the whole document before you sign something

3. When in doubt, ask

- a. Ask people to write a summary for you in regular language
- b. Ask to take a document home and have someone you trust help you understand
- c. Ask people to repeat what they said using different words

4. Don't sign something if you don't agree with it or don't understand it

- a. You may lose important rights if you sign something

5. Plan ahead for meetings

- a. Make a checklist of things you want to talk about and things you need to bring
- b. Practice what you want to say and how to say it with a friend
- c. Put all you need in a folder or bag the night before

6. Practice good communication skills

- a. In an email, make it short, put your point at the top, and stick to the facts
- b. On the phone, say your name, why you called, and ask if they are the right person to talk to
- c. If you text, introduce yourself and don't talk about difficult issues

7. Stay calm

- a. Listen carefully to understand what people think
- b. Focus on the facts, not on opinions or people
- c. Remember to use good body language

8. Go up the chain of command

- a. Everyone has a supervisor!

Requesting Housing Repairs

The DC Housing Code

DC has a housing code that sets health and safety standards for rental units. Landlords must make repairs so their rental units meet those standards. Repairs must be done properly and using material of a suitable quality.

You can learn more about the D.C. Housing Code at dcra.dc.gov/service/dc-housing-code-standards and dcregs.dc.gov/Gateway/TitleHome.aspx?TitleNumber=14.

How should I make requests?

You should make requests in writing. Even if your landlord wants you to call a maintenance line, you should also make the request in writing. You can send a letter to the address where you mail your rent check if you do not know where else to bring it. Keep a copy of any requests you send.

What information should I keep in my files?

It is important to keep a record in case the landlord does not make repairs, or makes repairs improperly.

- Use a calendar to keep track of: when you have housing problems, what the problems are like, who you contacted for help, what repairs you asked for, and when repairs were made.
- Take photos or videos of problems. If possible, include a slip of paper with the date in the photo.
- Keep copies of inspection reports (more information below) or court documents in a binder or folder.

Where can I get a housing inspection?

The Department of Consumer and Regulatory Affairs is responsible for inspecting rental units for housing code violations. To ask for an inspection, you can call (202) 442-9557. Before you call, write a list of problems you want to let their office know about. When the inspector comes in about one to two weeks, share the list with the inspector as well. You can call this same number for the results of the inspection.

If you have an urgent or dangerous housing problem (sewage flooding, broken heat, or another emergency), you can get an inspection on the same day. You can call (202) 442-9557, or, if it is after 4:30 p.m., you can call 311 and say that you need an emergency housing inspection.

Should I stop paying rent if my landlord won't make repairs?

If you are thinking about withholding (not paying) your rent, we suggest that you talk to a lawyer first to learn more about the risks involved. Some renters decide to withhold rent because of problems in their unit; however, not paying rent can lead to a landlord filing an eviction proceeding against the renter.

What should I do if the landlord does not make repairs, makes sloppy repairs, or does not finish the repairs?

- **You can request a housing inspection** (information above).
- **You can get information about your rights** from the Landlord-Tenant Resource Center in Room 115 of Court Building B, 510 4th St. NW, Room 115, between 9:15 a.m. and noon, Monday through Friday.
- **You can file a complaint** at the DC Superior Court Civil Clerk's Office, 500 Indiana Avenue NW, Room 5000. The Clerk's Office can answer basic questions about how to fill out forms.
- **You can look for legal help** by visiting lawhelp.org/dc/issues/housing or by calling Children's Law Center at (202) 467-4900 ext. 3.

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This information may not reflect current legal developments. For legal advice, you should talk with an attorney.

No Heat? Get Help!

What does D.C. law say about heat in my apartment?

- Generally, from October 1 to May 1, landlords must make sure that rental units can stay heated at 68 degrees. For more information, see 12 DCMR § PM-602G.

What can I do if my heat stops working and my landlord won't fix it?

- Tell your landlord about the problem in writing and keep a copy for yourself. Sending an email or a text message is okay.
- Ask the Department of Consumer and Regulatory Affairs (DCRA) for an emergency housing inspection by calling (202) 442-9557, or, if it is after 4:30 p.m., by calling 311. DCRA is responsible for inspecting rental units for housing code violations.
- File a Temporary Restraining Order (TRO) at the DC Superior Court Civil Clerk's Office, 500 Indiana Ave NW, Room 5000. You do not have to have an attorney to file a TRO. The Clerk's Office can answer basic questions about how to fill out forms and give you an instruction sheet on how to serve the Complaint and Summons.
- Get information about your rights from the Landlord-Tenant Resource Center. Their office is in Room 115 of Court Building B, 510 4th St. NW, and is open from 9:15 a.m. to noon, Monday through Friday. People who arrive early have a better chance of being seen.

What if I don't have heat because I'm behind on my bills?

- Call the Public Service Commission's Office of Consumer Services at (202) 626-5120. They may be able to help you restore your service.
- Call the D.C. services hotline at 311 and ask about the Low-Income Home Energy Assistance Program (LIHEAP).
- If it is between January 1 and May 31, contact Salvation Army about the Washington Area Fuel Fund by calling (202) 678-9771 (Southeast office) or (202) 332-5000 (Northwest office).

Stay Warm and Safe



- **Never use a gas stove, kerosene heater, generator, or grill for heating indoors.** Burning fuel indoors can cause carbon monoxide to build up. Carbon monoxide is a toxic gas that can cause death. Signs of poisoning include headaches, dizziness, weakness, nausea, chest pain, and confusion. If you see signs of carbon monoxide poisoning, call 911 and find fresh air.
- **Call the Shelter Hotline at 1 (800) 535-7252 to find a warming center or shelter.** When the temperature falls below 32 degrees between November 1 and March 31, D.C.'s recreation centers open as warming centers during the day and some nights. Severe weather shelters have beds available from 7 pm to 7 am. If you can't get into a shelter or the shelter conditions are bad, you can call Washington Legal Clinic for the Homeless at (202) 678-9771 for help.
- **Keep pets warm, too.** Emergency shelters may be available to care for a pet during very cold days. Call D.C.'s Animal Services Program at (202) 535-2323 for information. If you see a pet out in the cold, call the Washington Humane Society at (202) 723-5730.

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D.C. LAW REQUIRES LANDLORDS TO ELIMINATE MOLD USING STANDARDS SET BY D.C. DEPT. OF THE ENVIRONMENT

A landlord's obligations under D.C. law:

If a landlord receives written notice from a tenant about indoor mold in the tenant's apartment or a common area, the landlord must:

- Inspect the mold within 7 days.
- Eliminate any mold that is found during the inspection within 30 days of the inspection.

A landlord must use a professional to eliminate large mold problems:

- If a moldy area in an apartment or common area is *ten square feet* or more, the landlord must use a qualified indoor mold assessment professional to assess the mold problem, and a separate qualified indoor mold remediation professional to eliminate the mold.
 - “*Ten square feet*” of mold means spots or signs of mold growth that are close to each other (likely caused by the same moisture problem) that add up to an area that is ten square feet or more. For example, there is “ten square feet” of mold if the area affected by the mold covers an area that is 5 ft. high and 2 ft. wide.
 - The mold professional must follow standards established by the D.C. Department of the Environment and must eliminate the mold in a way that protects the health of the tenant.
- If the area affected by the mold is less than ten square feet, the landlord may fix the mold problem without using a qualified mold professional. But the landlord still should:

- Consult a qualified mold professional before doing the work.
- Do the work in a way that protects the health of the tenant.
- Follow guidelines for eliminating mold established by the D.C. Department of the Environment.

Key things to remember:

- The landlord should not just paint over the mold. This will not fix the problem.
- The landlord should fix any moisture or ventilation problems that caused the mold problem. This will help make sure the mold does not come back.
- The landlord must tell potential tenants if there was mold in an apartment during the previous 3 years unless the mold was eliminated by a qualified mold professional.
- The landlord may be required to pay damages if the tenant proves in court that the landlord acted in bad faith and failed to eliminate a significant mold problem within 60 days of receiving a written professional mold report.

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

Overview of the Mold Law

- The Air Quality Amendment Act of 2014 (Public Law No. 20-135) contains important rights for tenants dealing with mold in residential units. The law generally requires landlords to inspect and remediate mold, and in certain cases requires that the work be done by qualified professionals.
- The law became effective on September 9, 2014, although certain provisions of the law could not go into effect until the District Department of the Environment (DDOE) adopted implementing regulations.
- After conducting a rulemaking proceeding, DDOE has now adopted the implementing regulations. The regulations became effective on April 22, 2016. *Mold Assessment and Remediation Licensure Regulations*, 63 DCR 6098 (April 22, 2016).
- The law only applies to *indoor* mold in *residential* buildings.

The Definition of “Mold”

- The law defines “indoor mold” broadly as “living or dead fungi or related products or parts, including spores hyphae, and mycotoxins, on an interior surface of a building, including common spaces, utility spaces, HVAC, or other systems.” (Public Law No. 20-135, § 302(4))
- The regulations define “indoor mold growth” as “mold that exists on an interior surface of a building, including common spaces, utility spaces, HVAC, or other systems, and is visible.” (20 DCMR § 3299.1)
 - The regulations define “visible” as “capable of being seen with the naked eye, either by a lay person following [DDOE] guidelines ..., or by an indoor mold assessment professional following the standards in this chapter and best industry practices.” (20 DCMR § 3299.1)

The Landlord’s Duty under the Mold Law: 7 Days to Inspect + 30 Days to Remediate

- The law states that a “residential property owner who receives written notice or electronic notice from a tenant that indoor mold or suspected indoor mold exists in the dwelling unit or in a common area of the property shall inspect the property within 7 days and remediate the condition ... within 30 days of the inspection unless a shorter timeframe is ordered by a court or the Mayor.” (Public Law No. 20-135, § 305(a))
- Note that the landlord’s duty is only triggered by *written* or *electronic* notice; oral notice is not sufficient.

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

When Is the Landlord Required to Use Qualified Professionals? The “Ten Square Feet” Threshold

- Meeting or Exceeding the Threshold. The landlord must use an indoor mold assessment professional and an indoor mold remediation professional to address the mold problem if the total surface area of indoor mold growth in an “affected” area in the apartment or indoor common area is ten square feet (10 ft.²) or more. (Public Law No. 20-135, § 305(b) & (c); 20 DCMR §§ 3201.2; 3204.1; 3206.2, 3206.6)
 - “Affected” is defined as “in close proximity, likely impacted from the same source of water intrusion or moisture accumulation.” (20 DCMR § 3299.1)
 - For example, the 10 ft.² threshold is satisfied where a group of mold spots that are in close proximity to each other measures five feet high and 2 feet wide.
 - Indoor mold that meets or exceeds the 10 ft.² threshold is considered “indoor mold contamination” under the law. (Public Law No. 20-135, § 302(5))
- Licensing. DDOE has adopted regulations defining who qualifies as an “indoor mold assessment professional” and an “indoor mold remediation professional.”
 - In general, assessment and remediation professionals must comply with various licensing requirements adopted by DDOE. (Public Law No. 20-135, § 304; 20 DCMR § 3202)
- Unlicensed Workers Supervised by Licensed Professional. Unlicensed individuals may perform assessment and remediation work on mold projects exceeding the 10 ft.² threshold provided they are supervised by a licensed professional. (20 DCMR §§ 3201.5)
 - “Supervise” is defined as “to direct and exercise control over the activities of an individual by being physically present at the job site or, if not physically present, accessible by telephone within ten minutes and able to be at the site within one hour of being contacted.” (20 DCMR § 3299.1)
 - The licensed professional must “ensure that supervisees are following best practices and applicable laws and regulations.” (20 DCMR § 3204.4(i))
 - The licensed professional may not supervise the work of more than ten individuals at one time. (20 DCMR § 3204.5(i))
- Falling Below the Threshold. If the mold falls below the 10 ft.² threshold, the landlord is not required to use a qualified mold professional to assess or remediate the problem, but must nonetheless remediate the mold according to DDOE guidelines. (Public Law No. 20-135, § 305(b); 20 DCMR § 3201.2)
 - If after beginning work on a mold problem the landlord’s maintenance staff (or any other unlicensed worker) discovers that the 10 ft.² threshold is in fact

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

satisfied, all mold work must cease and the landlord must obtain qualified mold professionals to assess and remediate the mold. (20 DCMR §§ 3201.8, 3206.6)

Assessing and Remediating Mold that Meets or Exceeds the “10 ft.²” Threshold

- Professional Assessment and Remediation. When the indoor mold meets or exceeds the 10 ft.² threshold, the landlord must use a qualified indoor mold assessment professional to assess the mold, and a separate, qualified indoor mold remediation professional to remediate the mold.
 - The indoor mold assessment professional should prepare a mold assessment report, prepare a mold remediation protocol if indoor mold growth is found, establish any necessary containment and other procedures to protect the health and safety of workers and tenants during the work, and specify methods for verifying that the mold problem and the underlying causes of the problem have been successfully remediated. (20 DCMR §§ 3204.6, 3205.1)
 - The indoor mold remediation professional should prepare a work plan that follows the mold remediation protocol developed by the assessment professional, and perform the remediation work in a way that protects the health and safety of workers and tenants during the work. (20 DCMR §§ 3204.7, 3205.2)
 - Within 20 days of the successful completion of remediation activities, the professional mold assessment and remediation professionals should issue a report verifying that the mold has been successfully remediated. The verification report should also confirm that the underlying causes of the mold have been remediated so that it is reasonably certain that the mold will not return from these same causes. (20 DCMR §§ 3204.6(d), 3204.7(c), 3299.1)
- Minimum Performance Standards. Indoor mold assessment and remediation professionals must comply with DDOE minimum performance standards and work practices designed to ensure the mold is remediated safely and effectively. (20 DCMR §§ 3205.1, 3205.2)
- Disclosure of Reports. Indoor mold assessment and remediation professionals must provide their reports to their clients (presumably the landlord or property manager), but are not required by the mold law to provide their reports to the tenant unless ordered to do so by DDOE. (Public Law No. 20-135, § 303(b)) (Of course, the tenant can request the landlord/property manager to disclose these reports in a court case brought by the tenant.)
- Notice to DDOE. Indoor mold assessment and remediation professionals are required to notify DDOE about assessment and remediation projects involving mold meeting or exceeding the 10 ft.² threshold. (20 DCMR §§ 3209.1, 3209.2)

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

Assessing and Remediating Mold that Falls Below the “10 ft.²” Threshold

- Consult with a Professional. Although the landlord is not required to use qualified professionals to perform the assessment and remediation work in dealing with mold that falls below the 10 ft.² threshold, the landlord should, in general, consult with an indoor mold assessment professional when assessing the extent of a moisture problem and indoor mold growth and performing related activities. (20 DCMR § 3206.1)
- Minimum Work Guidelines: Assessment. Under DDOE guidelines (20 DCMR §§ 3206.2, 3206.3), landlords should assess the following before taking any steps to remediate mold falling below the 10 ft.² threshold:
 - The extent of water damage, indoor mold growth, and affected building materials;
 - Crawl spaces, attics, behind wallboards, carpet backing, wallpaper, baseboards, insulation and other materials that are suspected of hiding indoor mold growth;
 - Ventilation systems for damp conditions and indoor mold growth;
 - Materials that are susceptible to indoor mold growth when damp, including ceiling tiles, drywall, and structural wood.
- Minimum Work Guidelines: Remediation. If the landlord’s assessment identifies indoor mold growth or water-damaged materials, remediation shall be conducted according to DDOE guidelines (20 DCMR § 3206.5 and DDOE guidance document), including:
 - The underlying moisture problem should be corrected to prevent recurring indoor mold growth.
 - Relative humidity should be maintained at levels below 65% to inhibit indoor mold growth.
 - Building maintenance staff should be properly trained about the causes of moisture intrusion and mold growth, health concerns related to mold exposure, and mold remediation work practices.
 - DDOE guidelines set forth detailed steps for remediating water damage within 24-48 hours to prevent indoor mold growth, and for remediating different types of materials that have or are likely to have visible indoor mold growth.
 - Link to DDOE document:
http://doee.dc.gov/sites/default/files/dc/sites/ddoe/release_content/attachments/Mold%20Licensure%20-%20Guidance%20Document%20-%20Final.pdf

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

Painting Over Mold Does Not Solve the Problem

- The EPA's website states: "Do not paint or caulk moldy surfaces. Clean up the mold and dry the surfaces before painting. Paint applied over moldy surfaces is likely to peel."
<https://www.epa.gov/mold/mold-cleanup-your-home> (last visited 6/14/2016)
- A guidance document issued by DHS, CDC, FEMA, HUD, and NIH regarding mold cleanup after disasters states: "Painting or caulking over mold will not prevent mold from growing. Fix the water problem completely and clean up all the mold before you paint or caulk."
http://www.cdc.gov/mold/pdfs/homeowners_and_renters_guide.pdf (page 3) (last visited 6/14/2016)

Remedies

- Presumption of Code Violation. A professional indoor mold assessment finding "indoor mold contamination" (*i.e.*, indoor mold meeting or exceeding the 10 ft.² threshold) in the tenant's unit or a common area creates a rebuttable presumption of a violation of the housing code / property management code. (Public Law No. 20-135, § 306(a)(1))
 - To establish the presumption, the tenant must show that the landlord received a written or electronic copy of the professional indoor mold assessment that determined that indoor mold contamination existed in the tenant's dwelling unit.
- Reimbursement of Costs. In ruling in favor of a tenant and finding a violation of the Housing or Property Maintenance Code based on a professional mold assessment, a court may order the landlord to reimburse the tenant for the mold assessment costs and may award attorney's fees and court costs. (Public Law No. 20-135, § 306(a)(2))
- Treble Damages. A court may award treble damages when (1) the tenant discovered the mold, (2) a professional indoor mold assessment determined that "indoor mold contamination" (*i.e.*, indoor mold meeting or exceeding the 10 ft.² threshold) existed in the tenant's dwelling unit; (3) the landlord received the indoor mold assessment in written or electronic form; (4) the landlord did not remediate the indoor mold within 60 days; and (4) the court finds that the landlord acted in bad faith. (Public Law No. 20-135, § 306(a)(2))
- DCRA. DCRA may rely on a professional mold assessment to issue a notice of violation for a defective surface in violation of the Housing or Property Maintenance Code. (Public Law No. 20-135, § 306(b))
- Indoor Mold Assessment and Remediation Fund: Any excess licensing fees collected by DDOE (as well as any funds appropriated by the Council in the future) may be used for grants (1) to low-income tenants to pay for mold assessment when the owner does not remediate, or (2) to owners without financial means to pay for mold remediation. (Public Law No. 20-135, §§ 304(d), 308)

EVERYTHING YOU NEED TO KNOW ABOUT THE DISTRICT'S MOLD LAW

Disclosure to Prospective Tenants

- A landlord's disclosures to prospective tenants (already required under the Rental Housing Act) must include information known or that should have been known about the presence of indoor mold meeting or exceeding the 10 ft.² threshold in the rental unit or common areas in the previous 3 years, *unless* the mold has been remediated by an indoor mold remediation professional. (Public Law No. 20-135, § 301)