

Filing Motions in Landlord and Tenant Court

This information sheet describes motions in Landlord and Tenant Court cases. A tenant or landlord who would like help writing or filing papers with the Court can go to the Landlord Tenant Resource Center or talk to another lawyer for help. There is information at the end of this information sheet about where to find legal help.

What is a motion?

If you want the judge to make a decision about your case before your trial, you can file a motion with the Court. A motion is a request to the judge to do something in your case. Either a landlord or tenant can file a motion. Tenants sometimes file motions asking the judge to dismiss a case, to vacate a default judgment against the tenant, or to allow the tenant to make a late protective order payment. Landlords sometimes file motions asking the court to enter judgment against the tenant, for example if the tenant fails to make a protective order payment. A motion can include an affidavit, which is a written statement from a person signed under oath in front of a notary public.

Is there a charge for filing a motion?

The court charges a fee of \$10 for each motion in Landlord and Tenant Court. If court filing fees will be a hardship for you, you can file an "Application to Proceed Without Prepayment of Costs or Fees." A judge will review your motion and decide whether to grant your request. If the request is granted, you will be able to file papers with the Court without paying the filing fees.

Does the person filing a motion have to provide a copy to the other side?

When you want to file a motion with the Court, you must give a copy of your motion to the landlord or tenant on the other side of your case. If the tenant or landlord on the other side of your case has an attorney, you must give a copy of your motion to the attorney. If the tenant or landlord does not have an attorney, you must give a copy to the tenant or landlord directly. You can provide a copy of your motion by mailing it or by delivering it in person.

When will the judge make a decision about my motion?

When you file a motion, you have to come to the Court to appear before the judge for a hearing. Most motions are scheduled for hearings at 10:00 a.m. The hearing on the motion will be set at least ten calendar days out from the day it was filed. If you are filing a motion, you may want to call the landlord or tenant on the other side of your case or that person's attorney to find out what day they can be in court for the motion hearing.

I received a motion. Do I need to do anything?

If a motion has been filed in your case by the landlord or tenant on the other side, you may file a response in writing if you want to. A written response to a motion is called an "opposition." You are not required to file an opposition to any motion scheduled for a hearing in the Landlord and Tenant Courtroom unless the motion is a "Motion for Summary Judgment." If you receive a "Motion for Summary Judgment," you must file an opposition, and you should immediately speak to a lawyer about what to do.

You must go to the court hearing if you want the judge to hear your side of the story. If you do not go to the hearing, you may lose the motion just because you are not there.

If there is going to be a jury trial in your case, certain motions are decided by the assigned judge and others are decided by the judge in the Landlord and Tenant Courtroom. You usually must file a written opposition to any motion that will be decided by the assigned judge. These motions are not usually scheduled for a hearing, so filing something in writing may be your only chance to say why the motion should not be granted. Speak to a lawyer immediately if you are not sure whether you need to file a written opposition.

What happens at the hearing?

At the hearing, the person who filed the motion can explain to the judge why the request should be granted and show evidence to support his or her argument. The landlord or tenant on the other side of the case will also have the chance to explain why the request should not be granted and to show their own evidence. In most cases, the judge will make a decision about the motion during the hearing. In some cases, the judge may need more time to make a decision and you will either have another hearing or you will receive a copy of the judge's decision (or "order") in the mail.

Finding Legal Help

Visit www.lawhelp.org/DC for more information including how to contact free legal service providers, or visit the Landlord Tenant Resource Center:

Landlord Tenant Resource Center, Room 208
District of Columbia Superior Court Building B
510 4th Street, N.W.

Open 9:15 AM – noon, Monday through Friday, except legal holidays

This document provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact a lawyer. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Center does not guarantee the accuracy of this information.