

## **SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

### **Notice of Proposed Amendments to the Superior Court Rules of Procedure for the Landlord and Tenant Branch**

The District of Columbia Superior Court Rules Committee recently completed review of proposed amendments to Rules 2, 5, 6, 12-I, 13-I, and 14 of the Superior Court Rules of Procedure for the Landlord and Tenant Branch. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved and adopted unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.

Written comments must be submitted by 5:30 pm ET on September 12, 2025. Comments should be addressed to Chair, Superior Court Rules Committee and submitted by email to [OfficeGeneralCounsel@dccsystem.gov](mailto:OfficeGeneralCounsel@dccsystem.gov) or mailed to:

Office of General Counsel  
Attention: Superior Court Rules Committee  
District of Columbia Courts  
500 Indiana Avenue, N.W., Room C620  
Washington, D.C. 20001

All comments submitted in response to this notice will be available to the public. New language is underlined, and deleted language is stricken through.

## **[L&T] Rule 2. Applicability of Certain Superior Court Rules of Civil Procedure**

Except when inconsistent with these rules or the summary nature of landlord and tenant proceedings, the following Superior Court Rules of Civil Procedure are applicable to actions brought in the Landlord and Tenant Branch:

Civil Rules 4(h), 5, 5-I, 5-II, 5-III, 5.1, 5.1-I, 5.2, 6, 6-I, 8, 9, 9-I, 10, 10-I, 11, 12(b)-(h), 15, 16, 16-II, 17, 20, 21, 22, 23, 23-I, 23.2, 24, 25, 38, 38-II, 39, 39-I, 39-II, 40-I, 41, 42, 43, 43-I, 44, 44-I, 44.1, 45, 46, 47, 48, 49, 50, 51, 52, 53, 53-I, 53-II, 54, 54-I, 54-II, 55, 55-I, 55-II, ~~55-III~~, 56, 57, 58, 59, 60, 61, 62(b), 63, 63-I, 64, 64-I, 64-II, 65, 65.1, 66, 67, 67-I, 68, 69, 69-I, 69-II, 70, 70-I, 71, 73, 77, 79, 79-I, 80, 82, 83-I, 84, 86, 101, 102, 103, 201, 202, and 203.

The following Superior Court Rules of Civil Procedure apply if discovery is authorized as of right or by court order, under Landlord and Tenant Rule 10: Civil Rules 26, 28, 29, 30, 31, 32, 33, 34, 36, and 37.

### COMMENT TO 2025 AMENDMENTS

This rule has been amended to delete the incorporation of Civil Rule 55-III consistent with the 2025 amendments to Landlord and Tenant Rule 14.

### COMMENT TO 2024 AMENDMENTS

This rule has been amended to delete the incorporation by reference of Civil Rule 19 into these rules consistent with the 2024 amendments to Landlord and Tenant Rule 13-I. Civil Rule 19 is not generally applicable in Landlord and Tenant cases, but its standard governs joinder under Landlord and Tenant Rule 3-I(b).

### COMMENT TO 2019 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. The rule now specifically lists applicable local civil rules with roman numeral designations; the omission of a local civil rule with a roman numeral designation is an indication that the rule is not applicable.

Civil Rule 4(h) has been added to address service on a corporation, partnership, or association.

### COMMENT

Any reference herein to a particular Rule, as for example, “Rule 5”, comprehends both the original Rule and any addenda thereto, e.g., “Rule 5-I”.

## **Rule 5. Pleading by the Defendant**

(a) IN GENERAL. In a landlord and tenant action, it is not necessary for a defendant to file any answer, plea, affidavit, or other defense in writing except as provided in Rules 6 and 13(d).

### **(b) COUNTERCLAIMS.**

(1) *When Permitted.* In actions for recovery of possession of property in which the basis of recovery is nonpayment of rent or in which there is joined a claim for recovery of rent in arrears, the defendant may assert an equitable defense of recoupment or set-off or a counterclaim for a money judgment based on the payment of rent or on expenditures claimed as credits against rent or for equitable relief related to the premises. No other counterclaims, whether based on personal injury or otherwise, may be filed. These claims may be filed in other branches of the court.

(2) *Procedure for asserting counterclaims and defenses of recoupment and setoff.*

(A) *In General.* A counterclaim or a defense of recoupment or setoff must be in writing if it is based on the payment of rent, or on expenditures claimed as credits against rent, during a time period beyond that set forth in the plaintiff's complaint.

(B) *Time for Filing.* A defendant may file a written counterclaim at any time at least 14 days before trial if the case is scheduled for trial in the Landlord and Tenant Branch, unless the deadline is extended by the court for good cause shown. In cases transferred to the Civil Actions Branch for jury trial, any counterclaim must be included in the answer required by Rule 6 or in any amended answer filed under Civil Rule 15.

### **(c) PLEA OF TITLE.**

(1) *Filing Requirements.* A defendant desiring to make a plea of title must file the plea in writing, under oath, accompanied by a certification that it is filed in good faith and not for the purpose of delay. Along with the plea of title, the defendant must file an application for an undertaking, or for waiver of undertaking, specifying the form and amount of any undertaking to be approved by the court.

(2) *Filing the Undertaking.* If the court approves the undertaking, the undertaking must be paid into the court registry within 7 days. After the funds are deposited in the court registry, or if the court has waived the undertaking, the clerk must certify the case to the Civil Actions Branch for an expedited trial. If the defendant fails to timely file the undertaking, the clerk must strike the plea of title unless the court, for good cause, extends the time within which the undertaking may be filed.

### **(d) MOTIONS TO VACATE DEFAULTS AND DEFAULT JUDGMENTS.**

Notwithstanding the requirements of Civil Rule 55(c), a defendant need not file an answer in support of either a praecipe to vacate a default or default judgment by consent under Rule 14(e) or a contested motion to vacate a default or default judgment.

## **COMMENT TO 2025 AMENDMENTS**

New section (d) has been added to clarify that the good cause requirement of Civil Rule 55(c) governs motions to vacate a default or default judgment but that an answer need not be filed in support of such a motion or a praecipe to vacate.

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## [L&T] Rule 6. Jury Demand

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(b) ~~CERTIFYING~~TRANSFERRING CASE TO CIVIL ACTIONS BRANCH. If a jury trial is properly demanded, the clerk must ~~certify~~transfer the case to the Civil Actions Branch for an expedited trial.

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### COMMENT TO 2025 AMENDMENTS

Section (b) has been amended to substitute “transferring” and “transfer” for “certifying” and “certify” to conform with the general restyling of the Superior Court rules.

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## [L&T] Rule 12-I. Protective Order

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(e) FORM OF PAYMENT. Payment into the court registry must be made by any combination of cash, money order, certified check, attorney's escrow account check, or other form of payment approved by the Budget and Finance Division. ~~Any money order, certified check, or attorney's escrow account check must be made payable to "Clerk, D.C. Superior Court."~~

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### COMMENT TO 2025 AMENDMENTS

Section (e) of the rule has been amended to delete the "made payable to" language which may be subject to change and is otherwise stated in the applicable Protective Order form provided by the clerk.

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[L&T] Rule 13-I. Motions in Cases ~~Certified~~Transferred to Civil Actions Branch

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COMMENT TO 2025 AMENDMENTS

The title of this rule has been amended to substitute “transferred” for “certified” to conform with the general restyling of the Superior Court rules.

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## **[L&T] Rule 14. Entry of Judgment**

(a) JUDGMENT FOR POSSESSION. A judgment for possession may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) as a sanction for the defendant's failure to comply with a protective order, as provided in Rule 12-I;
- (4) by summary judgment in favor of the plaintiff or the defendant;
- (5) in accordance with D.C. Code § 16-1501 in a trial proceeding; or
- (6) by default in accordance with Rule 14(c)

(b) MONEY JUDGMENT. Subject to Rule 3, a money judgment may be entered:

- (1) by consent;
- (2) on the defendant's confession of liability before the court;
- (3) by summary judgment in favor of the plaintiff or the defendant;
- (4) in favor of the prevailing party, at the conclusion of a trial or other hearing to the extent of the total amount proven; or
- (5) by default in accordance with Rule 14(c).

(c) DEFAULT JUDGMENT.

(1) *Servicemembers Civil Relief Act Affidavit*. In any case where the defendant has not made an appearance, a default judgment may be entered against the defendant only if the plaintiff files a Civil Action Form 114 that complies with the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901-4043).

(2) *Default Judgment for Possession*.

(A) *"Drug Haven" Case*. In a case where default is entered under Rule 11(b)(2) and the plaintiff seeks possession under the Residential Drug-Related Evictions Re-Enactment Act of 2000 (D.C. Code § 42-3602) (authorizing evictions for maintaining a "drug haven"), the court may enter judgment for possession in favor of the plaintiff only on the plaintiff's presentation of ex parte proof and, if required by Rule 14(c)(1), the filing of Civil Action Form 114.

(B) *Cases Where Defendant Has Appeared*. In a case where default is entered under Rule 11(b)(2) but the defendant has previously entered an appearance, the court may enter a judgment for possession in favor of the plaintiff only on the plaintiff's presentation of ex parte proof.

(C) *Procedure for Presenting Ex Parte Proof*. In cases requiring the presentation of ex parte proof, the plaintiff must appear before the judge on the day that the default is entered to present ex parte proof or to schedule a hearing for a later date for the presentation of ex parte proof. If the presentation of ex parte proof is scheduled for another date, the clerk must send written notice to all parties.

(D) *All Other Cases*. In all other cases where a default is entered under Rule 11(b)(2), the clerk must enter a judgment for possession in favor of the plaintiff on the filing of the Civil Action Form 114 required by Rule 14(c)(1).

(3) *Default Money Judgment*.

(A) *Procedure*. The plaintiff must appear before the judge to request the entry of a money judgment following the entry of a default under Rule 11(b)(2). The court may hear and rule on the plaintiff's request; however, entry of a money judgment by default must be deferred until the plaintiff files the Civil Action Form 114 required by Rule 14(c)(1).

(B) *Limitations*. A money judgment entered based on the defendant's default must be limited to the amount demanded in the complaint.

(d) ADDITIONAL RELIEF. Additional relief may be entered:

(1) by consent of the parties; or

(2) in favor of either party, by the court at the conclusion of a trial or a hearing.

(e) VACATING ENTRY OF DEFAULT OR DEFAULT JUDGMENT BY CONSENT.

The clerk may vacate an entry of default or a default judgment at any time if all parties, or their attorneys, file a signed praecipe so requesting and bearing evidence of its service on all parties that have appeared.

(1) Praecipe Requirements. The praecipe must be signed by all parties that have appeared, or their attorneys, and must certify that all parties consent to either:

(i) vacating entry of default, in which case the caption of the praecipe shall expressly state: PRAECIPE TO VACATE ENTRY OF DEFAULT BY CONSENT; or

(ii) vacating default judgment, in which case the caption of the praecipe shall expressly state: PRAECIPE TO VACATE DEFAULT JUDGMENT BY CONSENT.

(2) A praecipe or other paper not conforming to the requirements of this rule will not be accepted for filing by the clerk.

#### COMMENT TO 2025 AMENDMENTS

New section (e) of this rule is substantially similar to Civil Rule 55-III, but omits the reference to Civil Rule 55(c) because an answer is not required to vacate an entry of default or a default judgment by consent in the Landlord and Tenant Branch. Section (e) also sets forth requirements that the praecipe must meet to be accepted for filing.

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