

### **Rule 3. Commencement of Action**

#### **(a) IN GENERAL.**

(1) *Complaint for Possession of Real Property.* A landlord and tenant action is commenced by filing with the clerk a verified Complaint for Possession of Real Property completed on one of the following landlord and tenant forms:

- (A) Form 1A (Nonpayment of Rent—Residential Property);
- (B) Form 1B (Violation of Obligations of Tenancy or Other Grounds for Eviction—Residential Property);
- (C) Form 1C (Nonpayment of Rent and Other Grounds for Eviction—Residential Property); or
- (D) Form 1D (Commercial Property).

(2) *Summons.* Together with the complaint, the plaintiff must deliver to the clerk a prepared Form 1S (Summons to Appear in Court and Notice of Hearing), accompanied by information for litigants, as required by administrative orders of the Chief Judge.

(3) *Defendant's Telephone Number and Email Address.* The plaintiff must include in the complaint and the summons the defendant's telephone number and email address, if known to the plaintiff.

(4) *Copies.* The plaintiff must provide the clerk with the original complaint and summons and with a copy of the complaint and summons for each defendant named in the complaint.

#### **(b) ADDITIONAL CLAIMS.**

(1) *Other Claims Allowed in a Landlord and Tenant Action.* In addition to a claim for possession of real property, an original or amended complaint in one of the forms set out in Rule 3(a) may include a claim for the following:

- (A) the recovery of personal property located in the premises and belonging to the plaintiff;
- (B) a money judgment based on rent in arrears and late fees as permitted by law; or
- (C) the relief listed in both Rule 3(b)(1)(A) and (B).

(2) *Requirements for a Money Judgment.* A money judgment may be rendered against a defendant only if the defendant:

- (A) has been personally served; or
- (B) asserts a counterclaim for a money judgment.

#### **(c) LIMITATIONS ON CLAIMS.**

(1) No owner or owner's agent may file a complaint for possession of real property:

- (A) for nonpayment of rent in an amount less than \$600;
- (B) without a valid rental registration or claim of exemption pursuant to D.C. Code § 42-3502.05; or
- (C) without a current license for rental housing issued pursuant to D.C. Code § 47-2828(c)(1).

(2) *Exceptions.*

- (A) Rule 3(c)(1) does not apply to complaints involving commercial property.
- (B) Rules 3(c)(1)(B) and (C) do not apply to complaints involving subtenants and units for which a license, registration, or claim of exemption is not legally required.
- (C) The court may waive the requirement reflected in Rule 3(c)(1)(C) in accordance with D.C. Code § 16-1501(c)(2).

(d) JUDGMENT BY DEFAULT. If the defendant fails to participate, the verification entitles the plaintiff to a judgment by default in accordance with Rule 14.

#### COMMENT TO 2024 AMENDMENTS

New subsection (a)(3) has been added to require the complaint and the summons to include the defendant's telephone number and email address, if known to the plaintiff. (The plaintiff is already required by Civil Rule 10-I(b)(1) to provide its own telephone number and email address in the complaint.) It is not intended that the plaintiff's failure to provide the information required by this subsection will lead to the dismissal of the case absent extraordinary circumstances. Former subsection (a)(3) has been redesignated (a)(4). Subsections (c)(1)(B), (c)(1)(C), and (c)(2)(C) have been amended to delete the citation to the D.C. Code year consistent with the general restyling of the Superior Court Rules and the Court of Appeals current Citation and Style Guide.

#### COMMENT TO 2023 AMENDMENTS

Section (c) has been amended to incorporate limitations in the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § 2(a), D.C. Law No. 24-115 (May 18, 2022), D.C. Code §§ 16-1501(b)-(c) (2022), on filing complaints in eviction cases. Former section (c) has been redesignated (d).

#### COMMENT TO 2017 AMENDMENT

This rule has been amended consistent with the stylistic changes to the civil rules. Subsection (b)(1)(B) was also modified in response to the Rental Housing Late Fee Fairness Amendment Act of 2016, D.C. Law No. 21-0172 (Dec. 8, 2016), which prohibits a landlord from evicting a tenant on the basis of nonpayment of a late fee. The rule now permits landlords to seek late fees as part of a money judgment.

#### COMMENT

D.C. Code § 16-1501 requires that a complaint for possession be made "under oath verified by the person aggrieved by the detention, or by his agent or attorney having knowledge of the facts." Therefore, although SCR-Civ. 9-I is incorporated into the Landlord and Tenant Rules, a complaint for possession must be verified under oath before a notary public or other person authorized by law to administer an oath and may not be based on an unsworn declaration. See SCR-Civ. 9-I(e).