

INSTRUCTIONS FOR FILING A LANDLORD AND TENANT COMPLAINT AND SUMMONS TO APPEAR IN COURT

IMPORTANT NOTICE: These instructions are not a substitute for the advice of a lawyer. Landlord and tenant law can be very complicated, and it is not possible to address every situation in these instructions. You are strongly encouraged to talk to a lawyer to help you protect your legal rights. You may also visit the Landlord Tenant Resource Center, Room 115, (9:15 a.m. – 12 p.m., Monday – Friday) for free legal information.

The Landlord and Tenant Branch is a court of limited jurisdiction. Every case filed in the Landlord and Tenant Branch is a “Verified Complaint for Possession of Real Property.” A Verified Complaint for Possession of Real Property is a request that the court give the plaintiff a judgment for possession of real property against the defendant. A judgment for possession of real property against the defendant gives the plaintiff the right to file a Writ of Restitution, which is a court document authorizing the eviction of the defendant under the supervision of the United States Marshals Service.

If a Verified Complaint for Possession of Real Property is based on nonpayment of rent, the Complaint also may include a request for a money judgment in the amount of rent the tenant owes the landlord. In order to receive a money judgment, your process server must serve the defendant in person. Please ask the Clerk for a copy of the “Instructions for Serving a Landlord and Tenant Complaint and Summons.” If a plaintiff only wants to collect rent or other damages, but is not seeking an order evicting the defendant, the plaintiff must file a lawsuit in the Small Claims and Conciliation Branch or the Civil Actions Branch. Tenants who wish to sue their landlords must file their claims in the Small Claims and Conciliation Branch or the Civil Actions Branch. Defendants who have been sued for nonpayment of rent in the Landlord and Tenant Branch may file certain counterclaims against the plaintiff in the landlord and tenant case.

Filing Without the Assistance of an Attorney

An individual person may file a Complaint in the Landlord and Tenant Branch on his or her own behalf without the assistance of an attorney. In general, a person who is not an attorney may not file a case on behalf of another person or a business. Corporations and certain other businesses that are plaintiffs in Landlord and Tenant cases must be represented by an attorney at all times, including when the Complaint is filed.

If you wish to proceed without an attorney, the Clerk’s Office can answer basic questions about how to fill out Complaint and Summons forms, provide you with an instruction sheet describing how to serve the Complaint and Summons, and give you other basic information. The Clerk’s Office cannot give you legal advice. You are strongly encouraged to seek the advice of an attorney. The Clerk’s Office is not allowed to answer questions about whether you need to serve a notice to quit, what to ask the court for, whether you can sue someone for a particular reason, how likely you are to succeed, what happens if a tenant pays or moves out before your case is in court, or any other issue that will affect your rights. Those are the types of questions you should ask an attorney.

Free Legal Information

The D.C. Bar’s Landlord Tenant Resource Center is open every day the Court is in session from 9:15 a.m. to 12:00 p.m., and staffed with lawyers trained in landlord and tenant law. If you do not have your own lawyer, the Resource Center may be able to answer your questions about filing a Complaint and Summons and other legal issues, free of charge. The Resource Center is located in Room 115, next to the metal detectors, near the entrance to D.C. Superior Court Building B, 510 4th Street, N.W. The Resource Center will help both landlords and tenants who do not have their own lawyers.

Filing Fees (Court Costs)

The cost for filing a Verified Complaint for Possession of Real Property is \$15.00.

Completing a Verified Complaint for Possession of Real Property

There are **four** separate and distinct Verified Complaints for Possession of Real Property. The Complaints are numbered Form 1A, Form 1B, Form 1C, and Form 1D. You must choose **one** of the Complaint forms depending on the type of case you wish to bring.

- 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
- d. Form 1D: Commercial Property

You are *required* to use one of these Complaint forms. It is important that you choose the correct Form and fill it out completely and accurately. Make sure that what you write on the Complaint can be read clearly on all of the copies in dark black ink. The Landlord and Tenant Branch Clerk's Office will give you whichever pre-printed Form you request. The following pages include information on which Form to choose and step-by-step instructions for filling out the Complaint. If you are not certain which Form to use, you should seek information from the Landlord Tenant Resource Center or legal advice from an attorney.

Completing the Summons to Appear in Court and Notice of Hearing – Form 1S

In addition to serving the defendant/tenant with a Complaint, you are also *required* to serve the defendant/tenant with a completed Summons to Appear in Court and Notice of Hearing. If you do not serve a Summons along with your complaint the Court may dismiss your case. The Landlord and Tenant Branch Clerk's Office will give you the Summons.

Fill out the case caption with the Plaintiff's name, address (no P.O. boxes), and phone number and the Defendant's name, address, and phone number, if known. Leave the spaces for the case number and date of the initial hearing blank as the Clerk will provide you with that information.

For Bulk-Filers and Other Individuals Filing Multiple Cases at the Same Time

In order to expedite delivery and processing of multiple complaints filed at the same time, the Clerk's Office requires the following:

- The Summons must be presented on top of each corresponding Complaint.
- Present the stack of forms to the Clerk in the following order: Original, white Summons followed by the triplicate, colored copies of the Summons, followed by the original, white Complaint, followed by the triplicate, colored copies of the Complaint. Repeat for each case. Please tear the copies apart before delivering the forms to the Clerk but do not separate the triplicate copies into separate piles.
- The complaint *must* be completed with a **dark black ink**.
- The individual Complaint pages and Summons must be unstapled.
- All complaint types should be sorted by type of form before filing (i.e. all Forms 1A together, followed by Forms 1B, etc).
- The Notary stamp must be visible.

Court-Ordered Receiverships

If you own or manage a property that is subject to a court-ordered receivership (for failure to pay utility bills or to comply with the housing code), the receivership order most likely prohibits you from collecting or attempting to collect rent. Therefore, if you file a Complaint based on a tenant's failure to pay rent, you may be in violation of the receivership order. Generally, a Complaint seeking the eviction of a tenant from a property that is subject to a court-ordered receivership must be filed by the receiver, who must join the landlord as a party. If you violate the receivership order by filing a Complaint based on nonpayment of rent, your Complaint may be dismissed and you may be held in contempt of court or otherwise sanctioned. See Landlord and Tenant Rule 3-I.