

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

**Notice of Proposed Amendments to Superior Court Rule of
Procedure for the Landlord and Tenant Branch 3**

The District of Columbia Superior Court Rules Committee recently completed review of proposed amendments to Superior Court Rule of Procedure for the Landlord and Tenant Branch 3. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.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 September 8, 2017. Comments may be emailed as a PDF file to Laura.Wait@dcsc.gov or may be mailed to:

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

Rule 3. Commencement of ~~a~~ Action.

(a) ~~IN GENERAL~~~~n general.~~

~~(1) Complaint for Possession of Real Property.~~ A ~~L~~andlord and ~~T~~enant action ~~is~~ shall be commenced by ~~delivering to~~ filing with the ~~C~~lerk a verified Complaint for Possession of Real Property completed on one of the following ~~L~~andlord and ~~T~~enant 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~~ Along with the complaint, the plaintiff ~~must also~~ shall deliver to the ~~C~~lerk a prepared Form 1S (Summons to Appear in Court and Notice of Hearing), ~~which shall be~~ accompanied by information for litigants, as ~~determined~~ required by administrative orders issued by the Chief Judge.

~~(3) Copies.~~ The plaintiff ~~must~~ shall provide the ~~C~~lerk 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~~ 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 ~~section~~ Rule 3(a) may include a claim for:

~~(A) the recovery of personal property located in the premises and belonging to the plaintiff;~~ or

~~(B) The complaint also may include a claim for a money judgment based on rent in arrears and late fees as permitted by law.~~

~~(2) Requirements for a Money Judgment. provided that no~~ A money judgment ~~may~~ shall be rendered against ~~the~~ defendant ~~only if the defendant~~ unless he:

~~(A) has been personally served;~~ or ~~unless he~~

~~(B) asserts a counterclaim for a money judgment or a defense of recoupment or setoff.~~

(c) ~~JUDGMENT BY DEFAULT.~~ If the defendant fails to appear, the verification ~~set out in these Rules shall~~ entitles the plaintiff to a judgment by default in accordance with Rule 14.

COMMENT TO 2017 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. Subsection (b)(1)(B) has also been modified in response to the Rental Housing Late Fee Fairness Amendment Act of 2016 (D.C. Code §§ 42-3505.01 (a), -3505.31, and -3509.01 (a-1) (2017 Supp.)), which prohibits a landlord from evicting a residential 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. 9-1 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. 9-1(e).