

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**RULE PROMULGATION ORDER 17-07**

(Amending Super. Ct. L&T R. 3)

**WHEREAS**, pursuant to D.C. Code § 11-946, the Board of Judges of the Superior Court approved amendments to Superior Court Rule of Procedure for the Landlord and Tenant Branch 3; and

**WHEREAS**, this rule does not modify the Federal Rules of Civil or Criminal Procedure; it is

**ORDERED**, that Superior Court Rule of Procedure for the Landlord and Tenant Branch 3 is hereby amended as set forth below; and it is further

**ORDERED**, that the amendments shall take effect immediately, and shall govern all proceedings hereafter commenced and insofar is just and practicable all pending proceedings.

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

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

(1) Complaint for Possession of Real Property. A ~~L~~landlord and ~~T~~tenant action ~~is~~shall be commenced by ~~delivering to~~filing with the ~~C~~clerk a verified Complaint for Possession of Real Property completed on one of the following ~~L~~landlord and ~~T~~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~~Along~~ with the complaint, the plaintiff ~~must also~~shall deliver to the ~~C~~clerk 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 of the Chief Judge.

(3) Copies. The plaintiff ~~must~~shall provide the ~~C~~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~~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 the following:

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

(B) ~~The complaint also may include a claim for~~ 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. ~~provided that no~~A money judgment ~~may~~shall be rendered against ~~the~~a 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 entitle the plaintiff to a judgment by default in accordance with Rule 14.

#### 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).

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By the Court:



Date: November 20, 2017

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Robert E. Morin  
Chief Judge

Copies to:

All Judges  
All Magistrate Judges  
All Senior Judges  
Zabrina Dempson, Director, Civil Division  
Library  
Daily Washington Law Reporter  
Laura Wait, Assistant General Counsel