

## **Verified Complaint for Possession of Real Property -- Form 1B (Violation of Obligations of Tenancy or Other Grounds for Eviction – Residential Property)**

If the only reason that you are suing the defendant/tenant is because he or she violated an obligation of the tenancy or for other grounds for eviction, such as a squatter or operation of a drug-haven, you *must* use Form 1B. If the *only* basis for your complaint for possession is nonpayment of rent *do not use this form*. If your complaint for possession includes a claim for nonpayment of rent *in addition* to an allegation that the defendant/tenant violated an obligation of the tenancy *do not use this form*.

Examples for when to use Form 1B:

- Your tenant has violated the terms of the lease agreement by damaging the property and disturbing other tenants. You have served a 30-day notice to correct or vacate, the notice has expired, and the tenant has not correct the violations. There is no allegation of nonpayment of rent in the notice to correct or vacate.
- You served your tenant with a 90-day notice to vacate for personal use and occupancy.
- You have a person in your home who is not a tenant and who refuses to leave.
- Your tenant is maintaining a drug haven in the property.

A sample Form 1B follows these instructions. **The numbered boxes on the attached “Sample Form 1B” correspond to the instruction numbers below.**

1. L&T Case Number. Leave this area blank because the Clerk will assign a case number to you.
2. Type or very clearly print the Plaintiff’s name and complete address, including the ZIP code and telephone number. You may NOT list a post office box as the address. Use dark black ink.
3. Type or very clearly print the name and complete address of the defendant, including the apartment number, suite, or lot and square number, quadrant (NE, NW, SE, or SW), and ZIP code. If you know that the defendant is living somewhere other than at the premises you want to repossess and you know the address, you must write the defendant’s current address in this part of the Complaint. If you know it, you are required to include the defendant’s telephone number.
4. Print your name, address, and phone number. Place a check in one of the three boxes to explain whether you are the plaintiff, the plaintiff’s attorney, or plaintiff’s agent authorized to verify the complaint. If you are the plaintiff’s agent you must explain your relationship to the plaintiff and, if the plaintiff is a corporation, include your title.
5. Place a check in one of the three boxes to explain your relationship to the property and your authority to demand possession of the property. If you are the Landlord or Owner of the property, check the first box. If you are a personal representative of an estate with the authority to demand possession of the property include the case number of the probate proceeding in the appropriate space. If you are not the landlord, owner, or personal representative for the property at issue, but believe you have the right to regain possession, you must explain your authority to demand possession in the space provided.
6. Type or very clearly print the precise address of the premises or property that you wish to repossess from defendant. Include the apartment number, suite or lot and square number, quadrant (NE, NW, SE, or SW), and the ZIP code.
7. In this section, you must explain to the court why you are legally entitled to regain possession of the property. If you are seeking to evict the defendant/tenant based on the expiration of a notice to the defendant, you *must* check the box next to the letter “A”.
  - i. If the reason you are suing a defendant/tenant is because he or she failed to vacate after expiration of a notice to vacate, such as a notice to vacate for personal use and occupancy or sale of the property, you *must* check the corresponding box in this Section.
  - ii. If the reason you are suing a defendant/tenant is because he or she violated an obligation of the tenancy and you have served the defendant/tenant with a notice to correct or vacate you *must* check the corresponding box in this Section.

- iii. If the reason you are suing a defendant/tenant is because he or she failed to vacate after expiration of a notice to quit you *must* check the corresponding box in this Section.

If your complaint is based on the expiration of a notice to the defendant/tenant pursuant to this section, you *must attach a copy of the Notice and an affidavit of service of the Notice*. You may use your own affidavit or obtain one from the Clerk's Office.

8. If you checked the box in Section 7 indicating that you are seeking to evict the defendant/tenant based on the expiration of a notice to the defendant, you *must* check one of the two boxes in this Section addressing the content of the notice.
  - i. Check the first box if all of the facts stated in the notice you gave to the defendant were true at the time the notice was served.
  - ii. Check the second box if only *some* of the facts stated in the notice were true at the time the notice was served and explain fully in the space provided which facts you are relying upon. For example, a landlord gives a tenant a notice to correct or vacate for violating the lease by having a dog and damaging the property. The landlord later finds out that he was told the wrong information and the tenant never had a dog. The landlord in that case would check the second box and indicate that he is only relying on the claim that the tenant has damaged the property.
9. Complete this Section *only* in cases alleging violations of obligations of tenancy.
  - a. Check *one or both* of the boxes in this Section.
    - i. If the defendant/tenant's actions or conduct set forth in the notice violate a paragraph or provision of a written lease between you and the defendant/tenant, check the first box and provide the paragraph number(s) of the lease that the defendant/tenant violated.
    - ii. If you do not have a written lease agreement with the defendant/tenant, the law only allows you to evict the defendant/tenant if he or she violates a provision of the District of Columbia Housing Code (Title 14 of the District of Columbia Municipal Regulations). If you do not have a written lease agreement but the defendant/tenant has violated a provision of the Housing Code, check the second box and cite either the section of the Housing Code that has been violated or describe the conduct which you believe violates the housing code in the space provided.
  - b. You must indicate whether the defendant's actions or conduct set forth in the notice occurred within six months before service of the notice.
  - c. Check *one* of the boxes in this Section and explain fully in the space provided.
    - i. If the defendant/tenant was given a notice to correct or vacate for violating an obligation of the tenancy, you *must* check the first box and explain what violation(s) the defendant/tenant has failed to correct or cure by the deadline set forth in the notice.
    - ii. If the defendant is a resident of federally subsidized housing and has no right to cure the lease violation, you *must* check the second box and explain why the defendant does not have the right to cure the lease violation.
10. L&T Case Number. Leave this area blank because the Clerk will assign a case number to you.
11. Use this section if you are seeking to evict the defendant for reasons other than expiration of a notice under Section 7. Check whichever box applies to your claim. If none of the boxes apply to your claim, check the box that states "Other reason" and fully explain the basis for your claim for possession in the space provided.
12. Check whichever box applies to your choice under Section 11. If a notice to quit is not required, check the box that states "is not required." If you served the defendant/tenant with a notice to quit, check the box that states "served as required by law." If you check the box indicating that you served the defendant/tenant with a notice to quit then you *must attach a copy of the notice and an affidavit of service of the Notice*. You may use your own affidavit or obtain one from the Clerk's Office.
13. Place a check in one of the two boxes to indicate whether defendant/tenant and/or property in question receive a subsidy from the federal or local government. If the property is not subsidized, check "no" and continue to the

next section. If the defendant/tenant and/or property is subsidized, check “yes” and answer *all* of the remaining questions in the paragraph. Examples of subsidized housing would be participation in the Housing Choice Voucher/Section 8 or Department of Mental Health Voucher programs.

14. By completing this section of the Complaint, you are informing the court and the defendant what you want the court to do.
  - i. By checking the first box, you are asking the court for an order to evict the defendant. The Landlord and Tenant Branch *only* considers Complaints for Possession of Real Estate. Therefore, if you do not want to evict the defendant, you must file your case in the Small Claims and Conciliation or Civil Actions Branches of the court. Since the complaint is not based on nonpayment of rent the defendant will have no right to redeem the tenancy.
  - ii. Check the second box if you want the court to order that the defendant pay the monthly rent to the court, where it will be held in a special account until the case is over, if your case is not resolved on the first day in court. (The court can only order future rent, not past rent, to be paid between the initial hearing date and whenever the case is finished.)
15. The Notary Public or Clerk will complete this section after you sign the Complaint. The Complaint can be notarized at the Landlord and Tenant Clerk’s Office for no charge.
16. The person whose name appears in Section 4 must sign the Complaint in this space in the presence of a Notary Public or a Clerk working in the Landlord and Tenant Clerk’s Office.
17. If the person whose name appears in Section 4 and on the signature line in Section 16 is signing on behalf of a corporation that person must include his or her title on the line provided (e.g., president, treasurer, property manager).
18. This important note may apply to you. If you are not a lawyer in good standing in the District of Columbia you could be engaging in the unauthorized practice of law if you are representing or acting on behalf of another individual in the Landlord and Tenant Branch for any purpose other than to request a continuance.
19. If you are represented by an attorney, he or she should complete this section, including his or her bar number and email address. If you are not represented by an attorney, you should complete this section with your information. If you are not an attorney, leave blank the areas requesting a Unified Bar No. and Email Address. If someone other than the plaintiff completed the verification of the Complaint, the plaintiff or the plaintiff’s attorney *must* sign the complaint in this Section.
20. Please leave this section blank. The Clerk will write in the total allowable costs when you file the Complaint.



- 11 B.  For the following reason(s):
- Defendant is maintaining a drug haven as defined by D.C. Code § 42-3602.
  - Defendant is not a tenant and has no legal right to occupy the premises.
  - Defendant is a terminated cooperative member holding over after expiration of a Notice to Quit pursuant to D.C. Code § 42-3203.
  - Defendant is a foreclosed homeowner holding over after expiration of a Notice to Quit pursuant to D.C. Code § 42-3203 and D.C. Code § 42-522.
  - Defendant is a terminated employee and has no legal right to occupy the premises.
  - Other reason: *(explain fully)* \_\_\_\_\_

12 Notice to quit:  is not required, **or**  has been served as required by law. *(Attach copy of notice and affidavit of service of the Notice.)*

- 13 4. Rent for the property of which Plaintiff seeks possession is subsidized by the federal or local government?  yes  no  
 If the rent is subsidized, answer all of the following:  
 What amount of rent, if any, is due from the tenant per month? \$ \_\_\_\_\_  
 What amount of rent, if any, is due from the subsidy program per month? \$ \_\_\_\_\_  
 Is the rent amount alleged due for any month listed in the complaint over and above the tenant's portion of the rent for that month?  yes  no  
 Has the subsidy program failed to pay its portion of the rent for any of the months at issue in this case?  yes  no

Therefore, Plaintiff asks the Court for: *(check all that apply)*

- 14  Judgment for possession of the property described with no right to redeem the tenancy (non-redeemable judgment) and costs taxed by the Clerk.  
 A protective order requiring that all future rent be paid into the Court Registry until the case is decided.

15 Subscribed & sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 Notary Public

\_\_\_\_\_  
 My Commission expires

16 \_\_\_\_\_  
 Plaintiff/Plaintiff's Attorney/Plaintiff's Agent

17 \_\_\_\_\_  
 Title of Person Signing *(if any)*

\_\_\_\_\_  
 Date

18 **Important Note to Parties:** Court of Appeals Rule 49, Superior Court Rule of Civil Procedure 101, and Landlord and Tenant Rule 9 prohibit the unauthorized practice of law. Any person who is not a lawyer in good standing in the District of Columbia should be aware that he or she could be engaging in the unauthorized practice of law if he or she acts on behalf of another in the Landlord and Tenant Branch for any purpose other than to request a continuance.

19 \_\_\_\_\_  
 Plaintiff/Plaintiff's Attorney

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Phone No.

\_\_\_\_\_  
 Unified Bar No.

\_\_\_\_\_  
 Zip Code

\_\_\_\_\_  
 Email Address *(required only for attorneys)*

CLERK OF THE COURT

Costs of this suit to date are \$ \_\_\_\_\_

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Para pedir una traducción, llame al (202) 879-4828      如需翻译,请打电话 (202) 879-4828      Veuillez appeler au (202) 879-4828 pour une traduction  
 Để có một bản dịch, hãy gọi (202) 879-4828      የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ      번역을 원하시면, (202) 879-4828 로 전화하십시오