

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION, LANDLORD AND TENANT BRANCH
Court Building B, 510 4th Street, NW, RM. 110 Washington, DC 20001
Telephone (202) 879-4879

Instructions for Serving the Landlord and Tenant Summons and Complaint

Who May Serve: The Landlord and Tenant Summons and Complaint and any attachments must be served by a competent person who is at least 18 years of age and not a party to the case.

Affidavits of Service: Form Affidavits are available in the clerk's office. The person who serves the Summons and Complaint must sign the Affidavit. The completed Affidavit must be sworn to before a notary public or other person authorized by law to administer an oath and must be filed with the Court at least 5 days before the initial hearing date, not counting Saturdays, Sundays, and legal holidays. A separate Affidavit must be filed for each defendant.

Timing and Methods of Service: Service must be made not later than 7 days before the initial hearing date, not counting Sundays and legal holidays. D.C. Code §16-1502.

There are three methods to serve an L&T Summons and Complaint: 1) personal service; 2) substitute service; 3) service by posting and mailing. They are described in detail in the paragraphs below. In every case, the process server first must make good faith efforts to make personal service. If the process server has made a diligent and conscientious effort at personal service and has been unable to serve a Defendant/Tenant either personally or by substitute service, then the process server may, as a last resort, serve that Defendant/Tenant by posting and mailing.

Money Judgments: If you are seeking a money judgment in addition to a judgment for possession, then you must have personal service on each Defendant/Tenant against whom you seek a money judgment. If you do not serve a Defendant/Tenant personally, then you may be limited to a judgment for possession against that Defendant/Tenant.

Personal Service: Personal Service on a Defendant/Tenant who is an individual is made by giving a copy of the Summons and Complaint directly to the Defendant/Tenant in person. If you have personally served the Defendant/Tenant, check the first box on the Affidavit. Write the name of the person you served in the blank space for the name on the Affidavit and give a physical description of the Defendant/Tenant in the specific facts portion at the end of the Affidavit.

Substitute Service: If you cannot find the Defendant/Tenant or if the Defendant/Tenant has left the District of Columbia, you may accomplish service by leaving a copy of the Summons and Complaint at the premises with a person of "suitable discretion" who is at least 16 years old and resides in or is in possession of the premises.

Check the second box on the Affidavit and list the name of the person served. Give a description of the person served in the specific facts portion at the end of the Affidavit.

Service by Posting and Mailing: Service by posting and mailing may be used only as a last resort, after diligent and conscientious efforts to serve the Defendant/Tenant personally have failed. If there is a question about service by posting and mailing, the judge will decide if the process server has been diligent and conscientious, considering the facts of the case. Generally, a judge will find that a process server has made diligent and conscientious efforts to serve the Defendant/Tenant personally only if the attempts were made on two different days and at two different times of day. For example, if one attempt is made on a weekday during normal business hours, the other attempt should be before or after normal business hours or on the weekend.

If you serve by posting and mailing, you must post the Summons and Complaint on the premises in a conspicuous place where it may be conveniently read, which is usually the front door of the unit. Posting means physically attaching the Summons and Complaint to the premises. You cannot slide the papers under the door, stick the papers between the door and doorframe, or place them in a mailbox. After posting the Summons and Complaint, you must mail a copy of the Summons and Complaint to the Defendant/Tenant within 3 calendar days. Saturdays, Sundays, and legal holidays count toward the 3 days. You must record the date and time of all attempts at personal service in the Affidavit, including when posting was made, and must record the date the Summons and Complaint were mailed. In the specific facts portion at the end of the Affidavit, provide a description of where the Summons and Complaint were posted, including the location in the building, a physical description of the premises, and/or any other information that would help the court determine if service was proper.

Service on a Corporation or LLC: Service on a corporation or limited liability company (LLC) may be made by giving a copy of the Summons and Complaint to an officer, managing or general agent, registered agent, or any other person authorized by law or appointment. If there is no registered agent, you may serve the corporation or LLC by service on the Mayor. Contact the Department of Consumer and Regulatory Affairs for instructions. Check the fourth box on the Affidavit if you have served a corporation or LLC. Write the name of the person you served in the blank space for the name on the Affidavit, circle that person's title, and give a physical description of that person or other relevant facts in the specific facts portion at the end of the Affidavit. If you used an alternative method of service on a corporation, indicate the method of service in the Affidavit and provide any relevant facts.