

Rule 3. Commencement of Action

(a) IN GENERAL.

(1) *Complaint for Possession of Real Property.* A landlord and tenant action is commenced by filing with the clerk a verified Complaint for Possession of Real Property completed on one of the following landlord and 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 with the complaint, the plaintiff must deliver to the clerk a prepared Form 1S (Summons to Appear in Court and Notice of Hearing), accompanied by information for litigants, as required by administrative orders of the Chief Judge.

(3) *Copies.* The plaintiff must provide the 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.

(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 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) 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.* A money judgment may be rendered against a defendant only if the defendant:

(A) has been personally served; or

(B) asserts a counterclaim for a money judgment.

(c) **JUDGMENT BY DEFAULT.** If the defendant fails to appear, the verification entitles 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. 9-1(e).