

Instructions for Serving the Landlord and Tenant Complaint and Summons

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

If you are an individual Plaintiff/Landlord, an Affidavit of Service will be given to you. The person who serves the Complaint must use this 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.

Service must be made not later than seven (7) days before the initial hearing date, not counting Sundays and legal holidays. D.C. Code 16-1502.

There are three methods to perfect service: (1) personal service, (2) substitute service, and (3) service by posting. They are described in detail in the paragraphs below. In every case, the process server 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 the defendant either personally or by substitute service, then the process server may, as a last resort, serve the defendant by posting.

If you are seeking a money judgment in addition to a judgment for possession, then you must have personal service on each defendant against whom you seek a money judgment. If you have substitute service or service by posting, then the judge can only award a judgment for possession in your case.

Personal Service: Personal Service on a Defendant/Tenant who is an individual is made by giving a copy of the 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 place for the name on the affidavit and give a physical description of the Defendant/Tenant in the specific facts portion located at the end of the affidavit.

Substitute Service: If you cannot find the Defendant/Tenant on the premises or if the Defendant/Tenant has left the District of Columbia, you may accomplish service by leaving a copy of the Complaint with a person “of suitable discretion” who is at least 16 years old who resides on 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 located at the end of the Affidavit and explain how you know the person lives at the premises.

Posting Service: Posting service may only be used as a last resort, after diligent and conscientious efforts to personally serve the defendant have failed. If there is a question about service by posting, the judge will decide if the process server has been diligent and conscientious, considering the facts of the case and the dates and times of the attempts at personal service. (A process server should always make more than one attempt at personal service.)

Posting service is made by posting a copy of the Complaint in a conspicuous place on the premises, which is usually the front door of the unit. After posting the complaint, the process server must mail a copy of the complaint to the Defendant/Tenant within 3 calendar days. Saturdays, Sundays, and legal holidays count toward the 3 days. The process server must record the date and time of all attempts at personal service on the affidavit, including when posting was made, and must record the date that the summons was mailed. In the specific facts portion located at the end of the affidavit, write a description of where the summons was 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 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 place 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 located at the end of the affidavit. Service by posting for corporations or LLCs is not allowed.

Return the Affidavit of Service to the Landlord and Tenant Clerk’s Office.