Registered Agents – Keeping Your Nonprofit’s Filing Up to Date

Every nonprofit corporation operating in D.C. must have a registered agent. The registered agent is the person or entity designated by the nonprofit to receive important notices addressed to the organization, including the biennial return form and tax or other administrative notices from the D.C. government. The registered agent is also the person or entity that is served with any legal papers if your nonprofit organization is sued.

Since the mailings and notices received by a registered agent are often time-sensitive, it is essential that the agent passes them along to the responsible person within your nonprofit as soon as possible. That is why it is important to select your registered agent carefully.

Who May Be a Registered Agent?

Under the Nonprofit Code, a registered agent may be either a commercial registered agent or a non-commercial agent, as long as the agent maintains a business office in the District of Columbia.

A commercial registered agent is a business that will serve as the organization’s agent for a fee. The D.C. government maintains a list of corporations that will serve as a nonprofit’s registered agent. These commercial entities can serve as registered agents provided the commercial entity maintains an office in D.C.

A nonprofit that does not employ a listed commercial registered agent may designate as a registered agent any other corporation or individual with an office in D.C. The nonprofit may also use an individual who is:

1. An officer, director or employee of the nonprofit, provided the nonprofit maintains an office in D.C.; or
2. An attorney licensed to practice law in D.C. who maintains an office in the city.

Verifying Your Registered Agent

Every nonprofit should take the opportunity to review who is serving as its registered agent. You can verify this information by visiting the Department of Consumer and Regulatory Affairs website, and checking your organization’s latest corporate registration through the CorpOnline Web Portal.

Once there, check to see who is listed as your organization’s registered agent and also look at the address listed. If it is an individual who is no longer with your organization, or if the address listed is not the agent’s current business address, you should file a form with DCRA to change the information about the registered agent. There is a $40 filing fee.

It is important that you keep the information about your registered agent current. If your organization fails to do so, and it does not receive notice of a filing that is due or that your organization has been sued, your
organization may be found in default, and may suffer significant financial penalties as a result. Keeping your registered agent filing up to date is an important way to avoid such penalties.