

30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM

INSTRUCTIONS

These instructions are to be used with a 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM.

When to Use This Form: 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM is required before you can file an eviction lawsuit against your tenant based on the tenant's failure to pay rent. D.C. law requires that you give the tenant a chance to become current in rent before you have the right to file a lawsuit to evict the tenant. The tenant must owe a minimum of **\$600** before you can file an eviction suit.

COMPLETING THE 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM.

Tenant/Occupant: Print the name of person or persons who are living in the apartment, house, or room and who are responsible for complying with the lease or housing code. Only list adults

Date: Print the date that you complete the Notice.

Address: Print the address for the property where the tenant/occupant is living, including any room numbers or apartment numbers. Be sure to include the correct quadrant (NE, NW, SE, or SW) and the correct ZIP code.

Total Amount of Rent Owed: List the total amount owed by the tenant as of the time you are completing the notice.

Registration/Exemption Number: Write the number that you were assigned by the Rental Accommodation Division of the Department of Housing and Community Development when you registered under the rent control laws. If you were provided an exemption number, you must also write the basis for the exemption.

Note on Registration/Exemption Number: It is important that you provide accurate information about the registration/exemption number that was provided to you by the Rental Accommodation Division of the Department of Housing and Community Development. If you are subject to rent control, you have a registration number. If you are exempt from rent control, then you have an exemption number.

If you need to register under rent control or claim an exemption, you should contact the Rental Accommodation Division of the Department of Housing and Community Development. The phone number is (202) 442-9505 and the office is located at 1800 Martin Luther King, Jr. Avenue, SE, Washington, D.C. 20020. You should call before you go to the office to find out what you will need to bring with you. You should also contact this office if you are unsure of your registration/exemption number or the reason for your exemption.

Signature: Sign your name and print your address and phone number. Do not use the address of the property occupied by the Tenant unless you actually live or work there.

Spanish Copy and Tenant's Primary Language: You must complete the blanks with the identical information on the Spanish-language copy of the notice. If the tenant speaks a primary language other than English or Spanish, you must also serve this notice on the tenant in their primary language. You

may need to find someone who speaks English, Spanish, and the tenant's primary language to help you complete the notice. If the tenant does speak Spanish or any other primary language, it is very important that the translation be accurate. If it is not accurate, you may not be able to evict the tenant based on the notice.

NEXT STEPS

Copies: After you have completed the form, you should make enough copies so that you can give one (1) to each tenant or occupant named in the notice. If you serve by posting and mailing, you should have one (1) copy for posting and one (1) copy for mailing for each tenant or occupant. You should also keep one (1) copy for your records.

Spanish Copy + Primary Language Copy: Each tenant must be served individually with an English copy and a Spanish copy, even if you do not think that anyone living in the property speaks Spanish. If any tenant speaks a primary language other than English or Spanish, a copy must also be served on the tenant in that language.

Serving the Tenant(s) with the 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE

CLAIM: Either you or some other person who is at least 18 years old must give the notice to the tenant(s). You can hire a professional process server, but you are not required to. If you do not serve the notice correctly, then the Court may dismiss your case.

There are four ways that you may give the notice to your tenant(s):

1. **Personally:** You may hand the notice directly to the tenant(s). This is the best way to make sure that the tenant gets the notice.
2. **Substitute:** If the tenant is not at home, you may hand the notice to some other person who lives in or is in possession of the property. If there is more than one tenant, you may give one of the tenants copies for all of the other tenants. Make sure that you leave enough copies for each tenant.

If you serve a tenant this way, make sure that the person you give the notice to is at least 16 years old and actually lives there and is not just a visitor. If you are not sure whether the person you are talking to is old enough or lives in the property, you may want to try again at another time.

3. **Posting and mailing:** If you have tried Number 1 (personal service) and Number 2 (substitute service) but you have been unable to find anyone you can give the notice to, then you are allowed to post the notice on the door of the property and mail a copy to the tenant by first-class mail, postage prepaid.

Before you are allowed to use posting and mailing, you must make a genuine effort to find the tenant at home and to serve the tenant with the notice in person. Usually, this means going to the property on at least two different days and during at least two parts of the day. For example, if you try once during normal working hours, you may want to try again on a different day, either before or after working hours, or during the weekend.

If you know the tenant's schedule, you should go to the property when you think the tenant or occupant will be at home. If you know that the tenant does not currently live in the residence, you should not resort to service by 4 posting and mailing and may want to consider hiring a professional process server to accomplish personal service on the tenant. If you serve the notice by posting and mailing, you must post enough copies of the notice for each tenant, and you must also mail copies to each tenant. You must mail the copies within three (3) calendar days after you post it on the door. You cannot mail the notice before you post it.

Posting means taping or tacking the notice to the door of the property. It is not valid service to slide the notice under the door, place it in the mailbox, or enter the property and leave it inside. If there is more than one unit in the building, the notice must be posted on the door to the room or unit occupied by the tenant who has not paid the rent. Do not post the notice on the front door of a building with more than one apartment or on the front door of the house if the tenant is renting a single room.

Photographic evidence of posting is required. If a notice is served by posting a copy on the premises, a photograph of the posted notice must be submitted to the court. You should attach a copy of the photograph to the complaint you file. The photograph must have a readable timestamp that indicates the date and time of when the summons was posted.

4. Registered mail: You may also send the notice by registered mail. If you use registered mail, the tenant must sign for the notice him or herself. If someone other than the tenant signs for the notice, you will have to send the notice again until the tenant actually signs for it or use some other way of delivering the notice (see Numbers 1, 2, and 3 above). If you use registered mail, you must be able to obtain proof from the post office that the tenant actually signed for the notice, such as a return receipt.

Keep a Record: The person who serves the notice should keep a record of how he or she served the notice, including the dates and times when he or she tried to serve the tenant(s) and any details that might prove that the notice was actually served, such as the name, age, and physical description of the person(s) the notice was given to or a physical description of the property where the notice was posted along with the date the notice was mailed. If you use certified mail, make sure you have records of when the notice was delivered and who signed for it. If service is by posting and mailing, the affidavit should include any additional information, if any, about why the person who served the notice went to the property at certain times before posting the notice, such as because they knew the tenant's work schedule.

Affidavit of Service: An Affidavit of Service has been included in this packet for you to record how the tenant(s) or occupant(s) were served. You will need to complete a separate affidavit of service for each tenant or occupant. The person who accomplishes service should fill out the Affidavit of Service and should write their name, age, date of birth, and business address in the spaces provided at the top of the form and should sign and date the bottom of the form when they complete it.

The person who completes the Affidavit of Service should complete the rest of the form using the guidelines below:

For personal service: If personal service is achieved, write the time and date that the tenant or occupant was served the notice on line 4. Next check the box for personal service and write the name of the tenant or occupant served. Then, in the space provided after “Explanations and Descriptions” you should provide a physical description of the tenant or occupant served.

For substitute service: If substitute service is achieved, write the time and date that the notice was served on line 4. Next check the box for substitute service and write the name of the person served. Then, in the space provided after “Explanations and Descriptions” you should provide a physical description of the person served.

For service by posting and mailing: If you served by posting and mailing, write the time and date that the notice was served on line 4. Next check the box for posting service and list the time and date of the first unsuccessful attempt at personal service. Then list the date that the notice was sent by first-class mail, postage prepaid, to the premises. Finally, in the space provided after “Explanations and Descriptions” you should provide a description of where the notice 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.

For registered mail: If the notice was served by registered mail, write the time and date that the tenant signed for the mail on line 4. Next check the box for registered mail.

Time for the Tenant to Become Current in Rent or Vacate: You must give the tenant at least 30 days to pay or move out of the property, before you can file an eviction case. You must count the 30 days from the day the notice was actually given to the tenant, even if there is a different date on the notice, and you do not count the day that you served the notice. For example, if you give the tenant the notice on February 10, the earliest you could file the lawsuit would be March 13.

Filing a Lawsuit: You may file a Complaint in the Landlord and Tenant Court to have the tenant evicted if 30 days after you have served the notice, the tenant owes at least \$600 in rent (not including late fees). If the tenant brings the amount of rent owed under \$600 during the time allowed by the notice, then you cannot file a Complaint to have the tenant evicted. However, you may file a civil action in Small Claims Court to recover any money owed to you.

If the tenant moves out before you file a Complaint to have the tenant evicted, you cannot file a Complaint in the Landlord and Tenant Court. However, you may file a civil action in Small Claims Court to recover any money owed to you. It is important to remember that it is illegal to evict tenants without using the court process. If the tenant fails to correct the violations or move out after the 30 days, then you must file a Complaint in the Landlord and Tenant Court to have the tenant evicted. **It is illegal to change the locks, evict the tenant yourself, or turn off the heat, water, or other services.**

30 Day Notice of Past Due Rent & Notice of Intent to File a Claim

Tenant/Occupant: _____

Tenant/Occupant Address: _____

Housing Provider: _____

RAD Registration/Exemption Number: _____

Basis for Exemption: _____

Date: _____

The total amount of rent owed is \$_____

A ledger showing the dates of rent charges and payments for the period of delinquency is attached. You have the right to remain in the rental unit if the total balance of unpaid rent is paid in full.

_____ (*Name of housing provider*) has the right to file a case in court seeking your eviction if you do not pay the balance of unpaid rent in full within 30 days of this notice.

You have the right to defend yourself in court. Only a court can order your eviction. For further help or to seek free legal services, contact the **Office of the Tenant Advocate at 202-719-6560 or the Landlord Tenant Legal Assistance Network at 202-780-2575.**

Housing Provider's or Agent's Signature

Address

Phone Number

Aviso de 30 días de alquiler vencido y aviso de intención de presentar un reclamo

Inquilino/ocupante: _____

Dirección del inquilino/ocupante: _____

Proveedor de vivienda: _____

Registro de RAD/Número de exención: _____

Base para la exención: _____

Fecha: _____

El monto total del alquiler adeudado es de \$ _____

Se adjunta un libro mayor que muestra las fechas de los cargos de alquiler y los pagos correspondientes al período de morosidad. Tiene derecho a permanecer en la unidad de alquiler si se paga en su totalidad el saldo total del alquiler no pagado.

_____ (*Nombre del proveedor de vivienda*) tiene derecho a presentar un caso ante el tribunal para solicitar su desalojo si no paga el saldo del alquiler adeudado en su totalidad dentro de los 30 días de este aviso.

Tiene derecho a defenderse ante los tribunales. Solo un tribunal puede ordenar su desalojo. Para obtener más ayuda o buscar servicios legales gratuitos, **comuníquese con la Oficina del Defensor del Inquilino al 202-719-6560 o con la Red de Asistencia Legal de Arrendadores e Inquilinos al 202-780-2575.**

Firma del proveedor de vivienda o del agente

Dirección

Número de telefono

AFFIDAVIT OF SERVICE

1. My name is _____, and I am authorized to serve the attached 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM. I further declare that:

2. My age is _____ and my date of birth is _____.

3. My business address is _____.

4. At the following time _____ AM/PM and on the following date _____, 20____, I served the attached 30-DAY NOTICE OF PAST DUE RENT & NOTICE OF INTENT TO FILE CLAIM in both English and Spanish (check only one):

By personal service upon _____.

By substitute service upon _____.

By posting service. My first attempt was at the following time _____ AM/PM and on the following date _____.

A copy also was sent by first-class mail, postage prepaid, to the premises on the following date _____.

By registered mail and the Tenant signed for the mail.

Explanations and Descriptions: _____

_____.

I declare under penalty of perjury that the foregoing is true and correct.

Process Server

Executed this _____ day of _____, 20____.