

Landlord Tenant Resource Center

EVICTING UNWANTED GUESTS SELF-HELP PACKET

This Self-Help Packet includes:

- Frequently Asked Questions About Evicting Guests, Roommates, Family Members, and Other Unwanted Occupants from Your Home
- Sample Landlord and Tenant Summons and Complaint for Possession of Real Property
- Landlord and Tenant Summons (Form 1S)
- Landlord and Tenant Complaint for Possession of Real Property (Form 1B)
- Instructions for Service
- Affidavit of Service
- Application to Proceed without Prepayment of Costs or Fees

Instructions:

- Read the Frequently Asked Questions.
- All of the forms mentioned in the Frequently Asked Questions are included in this packet.
- If you need additional information about court procedures, please visit the Court's website at www.dccourts.gov.
- To access this Self-Help Packet online or if you need additional information on legal topics, please visit www.lawhelp.org/DC.
- If you need to speak to a lawyer about evicting an unwanted occupant, you may contact:

Landlord Tenant Resource Center

Hours: Monday-Friday, 9:15 a.m. – 12 noon

510 4th Street, NW, Room 115

This is a walk-in service. No appointment is needed, but intake closes before 12 noon when demand is high.

D.C. Bar Pro Bono Program Advice & Referral Clinic

2nd Saturday of each month ONLY, 10 a.m. – 12 noon

1525 7th Street, NW and 1640 Good Hope Road, SE

This is a walk-in service. No appointment is needed.

Frequently Asked Questions About Evicting Guests, Roommates, Family Members, and Other Unwanted Occupants from Your Home

If the person you want to evict is your tenant, then you should refer to the [Frequently Asked Questions for Landlords](#). If the person you want to evict is not a tenant, or if you are not sure, then please keep reading this FAQ. Throughout this FAQ, non-tenants are called "guests."

1. [Tenants vs. Guests](#)
2. [Getting a Guest Out of Your Home](#)
3. [Going to Court on an Eviction Case](#)
4. [Answers and Other Responses by Guests](#)
5. [Judgments, Writs, and the Eviction Process](#)
6. [Court and Eviction Costs](#)

Tenants vs. Guests

What makes a person a tenant?

In general, if a person has paid rent or has agreed to pay rent to live somewhere, then that person is a tenant.

- This is true even if the person is only using part of a house or apartment, such as when a person is sleeping on your couch.
- Rent is usually money. A person can also "pay" rent by doing work or giving things to the person they are renting from.

If a person has never paid money, done work for you, or given you something of value AND they never agreed to do any of those things, then he or she is probably not a tenant. However, if a person has agreed to pay, do work, or give you something of value in exchange for living in your home, they may be considered a tenant even if they have never done anything to keep this agreement.

- For example, if someone promised to pay you \$500 per month to sleep in your spare room, that person may be a tenant even if he or she never paid even \$1 in rent since they moved in.

I rent my home from someone else. How can I be a landlord?

A person may become a landlord even if he or she does not own the property.

- The most common example is when a tenant sublets his or her rental unit.
- The tenant who is renting from the owner is a landlord and the person subletting is a tenant.

Can someone be a tenant even if there is no written lease?

Yes. An agreement to rent a property does not need to be in writing.

- A person can become a tenant through a verbal agreement.
- A person can become a tenant based on the way he or she acts and how the other person responds. For example, if a person gives the owner money on a regular basis and the owner accepts it, that might create a landlord-tenant relationship.

What if we have a written agreement that says that the person living in my house is NOT a tenant?

That type of agreement can be helpful. But, if the person is paying rent, he or she may still be considered a tenant, no matter what the agreement says.

- You cannot change a tenant into a guest just by changing what you call that person in your agreement.
- If the issue ever came into court, the court would look at what is really happening, not just what the person was called in the agreement.

What if we have a written agreement that says that a person is a tenant only for a certain amount of time and that time is now over?

If you have a written agreement that a person is a tenant for a certain period of time, you will probably need to follow the procedures for evicting a tenant. This is true even if the time in the agreement is now over.

Are household employees tenants?

Employees who get housing from their employers as part of their pay are usually not tenants.

- The most common example of this is live-in health care aides.
- Whether an employee is a tenant depends on the specific agreement between the employee and employer.
- It is possible for a person to be both an employee and a tenant.

Doesn't living in a property for a long time give a person "squatter's rights?"

A person does not become a tenant just because he or she has lived in a property for a long time. In very rare cases when a person lives in a property for at least 15 years without the owner's permission and meets several other conditions, then that person may own the property by "adverse possession." This is usually what people mean when they talk about squatter's rights.

The person I want to evict is a co-tenant on my lease. Is that person a tenant or something else?

If you and another person are co-tenants on the lease because you both signed the lease as tenants, you will both have an equal right to live in the property in most cases. Co-tenants usually cannot evict each other, even if one of the co-tenants stops paying the rent or is violating the lease that they both signed.

If the person you want to evict is not a tenant, but is a household member or authorized occupant, you may be able to evict that person. You will need to figure out whether that person is your tenant or is a guest. (See "Tenants vs. Guests" above.) If you are receiving a housing subsidy, you may want to talk to a lawyer to make sure you are following the rules of your subsidy program.

I've read all of this, and I'm still not sure whether the person living in my property is a tenant or not. What should I do?

If you are not sure whether the person you want to evict is a tenant or not, you should talk to a lawyer before you decide what to do next.

Getting a Guest Out of Your Home

Can I lock a guest out and put the guest's property on the street?

The safest way to remove a guest from your property is to use the court process. There are several reasons why it may be a bad idea to use self-help eviction to remove a guest from your home.

- You may be risking your personal safety if the guest becomes angry or violent during or after the eviction.
- If the police need to be called because the eviction is causing a disturbance, they may stop the eviction and direct you to let the guest move back into your home. The police may also direct you to go to court to evict the guest.
- In many cases, you cannot be sure whether a person is a guest or a tenant. If you are wrong and a judge decides that your guest actually is a tenant, you may be ordered to let that person move back into your home and you might have to pay that person money for wrongfully evicting him or her.
- Judgments for wrongful eviction can be a large amount of money and can include: reimbursement for living costs while the guest was out of the property, lost or stolen personal property, pain and suffering, and, if the tenant can prove that you acted recklessly or maliciously, additional damages to punish you for the illegal eviction.

You can protect yourself from these problems by using the court process to evict your guest.

How do I evict a guest through the court?

Even though a guest is not a tenant, you can still file an eviction case in the Landlord and Tenant Branch of D.C. Superior Court. The Landlord and Tenant Branch is eviction court, and you do not have to be a landlord to file a case to evict someone.

- You do not have to use the Landlord and Tenant Branch, but it is usually the fastest way to get a judgment to remove a person from your property.
- You can file a complaint on a Verified Complaint for Possession of Real Estate on Landlord and Tenant [Form 1B](#), along with a Summons on Landlord and Tenant [Form 1S](#). A sample complaint and summons filled out for a case like yours is included in this Self-Help Packet
- After these forms are filled out, take them to the [Landlord and Tenant Clerk's Office](#), 510 4th Street, NW, Room 110, Washington, DC 20001.
- There is a \$15 fee to file the Complaint and Summons. If the filing fee will be a hardship to you, you can ask the court to waive your filing fees by completing an Application to Proceed without Prepayment of Costs and Fees. Click [here](#) for help completing this form.

- After you file the Complaint and Summons, you will need to have someone over the age of 18 serve the papers. Instructions for serving the papers are included in this Self-Help Packet.
- The person who serves the guest needs to fill out an [Affidavit of Service](#) that explains how the papers were given to the guest.
- Your first court date will be about 3 weeks after you file your Complaint and Summons.

Do I need to put any special information on the court papers if I am a tenant myself, rather than the owner of the property?

In Paragraph 2 of the Complaint, a tenant who is evicting a guest can check the box “is not the Landlord, Owner, or Personal Representative but has the right to demand possession.” You can then explain on the line provided that you are the lawful tenant and that the guest is a person who refuses to leave your home.

Do I need to put any special information on the court papers if the guest I am evicting occupies part of the property, rather than the entire home, or if some or all of the furniture belongs to me?

In Paragraph 3 of the Complaint where the form says, “Plaintiff seeks possession of property located at,” you can put the complete street address of the house or apartment along with a description of the part of the house the guest is occupying. For example, if the guest is living in the basement or master bedroom, you can add the description “basement” or “master bedroom” after the address.

If some or all of the furnishing in the house or apartment are yours, you can add the words “partially furnished” or “furnished” to the address line.

See the sample complaint in this Self-Help Packet for an example.

Paragraph 4 on the Complaint asks whether the rent for the property is subsidized. My rent is subsidized, but the guest I’m evicting pays no rent. How do I answer this question?

If the rent for the unit you rent is subsidized, then you must check the box that says “yes.” You can take a black pen and carefully write underneath that question “The plaintiff’s rent is subsidized, but the defendant pays no rent” to explain.

Do I need to give my guest a 30-day notice before I file an eviction case in the Landlord and Tenant Branch?

In general, you are only required to give a 30-day notice to quit to someone who is a tenant. You are usually not required to give a guest a 30-day notice, no matter how long that person has lived in your home. Most of the time, you can sue to evict a guest as soon as you have asked the person to leave and they have refused to move out.

These are not common, but here are some reasons why you might need to give someone who is not a tenant a notice to quit:

- You promised your guest you would give him or her a certain amount of notice before he or she had to leave.
- The person is not a tenant but is the former owner of a foreclosed property or cooperative unit that you bought. (Tenants of former owners of foreclosed properties have the rights of tenants. Please refer to the [Frequently Asked Questions for Landlords](#) for more information.)

If you think one of these reasons might apply to you, you should talk to a lawyer before you file an eviction case to make sure you have served a proper notice to quit.

I am afraid of my guest. Can I get this person out of my house any faster?

If your guest is violent, threatening, or abusive to you, you may be able to get an emergency Temporary Protection Order and/or a one-year Civil Protection Order to protect you. You do not need to have a family or intimate relationship to use the domestic violence process, but you do need to live together in the same home.

For more information about the domestic violence process, click [here](#). For legal help requesting a TPO or CPO, click [here](#) or call the Domestic Violence Intake Center at (202) 879-0152 (at DC Superior Court) or (202) 561-3000 (at United Medical Center in Southeast DC).

The guest is a family member or friend. I'm worried that I will hurt our relationship if I sue him or her. Are there any other options?

The court offers a free service to help people solve disagreements without going to court. If your guest agrees, a community mediator can talk with you and the guest to see if you can reach an agreement. For more information on the court's Community Mediation Program, click [here](#) or call (202) 879-1549.

Going to Court on an Eviction Case

I filed a Complaint to have the guest evicted. What happens when I go to Court?

Make sure you arrive and are seated in the courtroom by 9:00 AM. The judge will explain how the process works and what help may be available. If you do not speak English or are deaf or hard of hearing, make sure you tell the courtroom clerk before the announcement begins.

The clerk will read the names of all parties who are scheduled to appear. You must answer "here" or "present" and state your name when your name is called. Make sure you can hear the clerk clearly. If you cannot hear, raise your hand and let the clerk know. If you miss your name and fail to answer, your case may be dismissed. If the defendant does not answer when the case is called, you can ask the clerk to enter a "default" against the guest.

If you do not hear your name during the roll call or you are late arriving to court and aren't sure if your name was called, you should speak to the clerk in the courtroom after the roll call is over and make sure that the clerk knows that you are present.

Once the clerk completes roll call, you can decide to do one or more of the following:

- Settle the case with the guest or the guest's lawyer.
- Ask the judge to grant a non-redeemable judgment in your case. If the guest does not have a defense to your claim, the judge can enter judgment for possession. If the guest has a defense, the case probably will be set for a trial on a different day.
- "Mediate" your case through a court-appointed mediator. A mediator will talk to both sides and try to help settle the case. However, you do not have to settle the case, and you should speak to a lawyer if you do not understand any part of the mediation or what is being said to you by the mediator.

For more information about what happens on your first day in court, click [here](#). For more information about settlement and mediation, click [here](#).

What happens if I can't appear in Court on my scheduled day?

You should immediately call the Clerk of the Court at (202) 879-4879 to explain why you cannot appear. Ask the clerk for his or her name and write it down. You also should immediately call your guest or the guest's attorney to tell him or her that you cannot appear. If you have time to come to court on another day before your court date, you can file a notice with the court explaining that you cannot come to court and requesting a new date.

If the clerk does not give you another date to appear in court, get to court as soon as possible and find out what happened. Even if you call the court, the judge may still dismiss your case. If your case is dismissed because you are not there, it is called a "dismissal for want of prosecution," and you can usually file a motion to re-open the case or file a new case.

What happens if the guest does not come to court?

If the guest does not come to court on the initial hearing date, you can usually have a "default" entered against the guest during the morning roll call. In most cases, a default means that a

judgment for possession will be entered after you file paperwork with the court proving that the defendant is not in the military.

In some cases, you are also required to present proof (called "ex parte" proof) of your case to the court before you can get a judgment for possession, even if the guest does not come to court or if the guest came to court but left or did not come back to court for a continued hearing.

If proof is required, the judge might set another court date about two weeks after your first one. If the guest does not come to court, the clerk will usually tell you if you need to appear in front of the judge after roll call. If you aren't sure, you can ask the clerk after the roll call is over what you should do next.

Answers and Other Responses by Guests

The guest filed an Answer. What is an "Answer?"

An Answer puts in writing the defenses the guest intends to raise at a trial.

Does the guest have to file an Answer?

Filing an Answer is not required in Landlord Tenant Court unless the guest wants to request a jury trial (instead of a "bench trial" before a judge).

What are some defenses the guest might raise?

The most common defense to a case filed against a guest is that the guest claims that he or she is actually your tenant, not your guest. Other defenses may include:

- The court papers have not been filled out correctly.
- The court papers were not given to the guest in the correct way or soon enough before the first hearing.
- The guest has some other right to live in the property.
- The guest has been given permission to live in the property by a co-tenant or co-owner.

Judgments, Writs, and the Eviction Process

I have a judgment for possession. How long will it take until the guest is evicted?

After you get a judgment for possession, you must wait two full business days before you can file a Writ of Restitution. A Writ of Restitution is a document that authorizes the U.S. Marshals Service to schedule an eviction.

After the Writ of Restitution is filed, the Clerk's Office sends the writ to the U.S. Marshals Service. The U.S. Marshals Service sends a copy of the writ to the guest. The U.S. Marshals

Service will call you to schedule the eviction. The soonest an eviction can take place is on the fourth business day after the writ is filed. The writ is valid for 75 days. If the guest is not evicted in the 75 days, then you will have to file a new (or "alias") writ.

Remember, the U.S. Marshals must be present during the eviction. However, the U.S. Marshals will not remove the guest's property. You will need to find or hire an eviction crew. The size of the eviction crew depends on the size of the home being evicted. For more information about the U.S. Marshals' procedures, click [here](#). You also may want to schedule a locksmith to come to the property to make sure the locks are changed at the same time as the eviction.

For more information about the eviction process generally, click [here](#).

Court and Eviction Costs

What happens if I can't afford to pay any Court fees?

If you cannot afford to pay costs or fees relating to your Landlord Tenant case, you can file an "Application to Proceed Without Prepayment of Costs, Fees, or Security" commonly referred to as an "IFP" or "In Forma Pauperis." You will be required to complete the court's form and swear to information about your financial affairs. Once you complete the Application and Affidavit, you will appear in front of the judge who will decide whether to grant your request. You can click [here](#) for help completing the form.

Although the court-filing fees will be waived, only \$10 of the writ fee will be waived in most cases. (The writ fee is currently over \$200.) You will also have to pay for an eviction crew or find friends who will help you do it for free. These costs usually cannot be waived.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION
LANDLORD AND TENANT BRANCH**

510 4th STREET, N.W., Building B, Room #110, Washington, D.C. 20001 Telephone (202) 879-4879 www.dccourts.gov

Leave blank - the Clerk will assign a case number

Case No. LTB _____

Jane Doe

Plaintiff(s)
1234 5th Street, SE Apt. 2

Address (No post office boxes)
Washington DC 20020

City State Zip Code
202-555-1212

Phone Number

VS.

John Smith

Defendant(s)
1234 5th Street, SE Apt. 2

Address
Washington, D.C. 20020

Zip Code
202-555-5555

Phone Number (if known)

SUMMONS TO APPEAR IN COURT AND NOTICE OF HEARING -- FORM 1S

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR ON _____ AT 9:00 A.M.
PROMPTLY, in the Landlord and Tenant Courtroom, Room 109, Bldg. B, 510 4th Street, NW.

Between E and F Streets, N.W., Judiciary Square Red Line Metro stop ♦ Wheelchair accessible entrance located on F Street side of building

1. You are being sued for possession of the premises you occupy.
2. This paper is a Summons in a lawsuit seeking your eviction.
3. The Complaint attached to this Summons states the grounds for possession claimed by the Plaintiff. If the Complaint is not attached, a copy is available in the Landlord and Tenant Clerk's Office at 510 4th Street, Building B, Room #110.
4. If you, or your attorney, do not appear on the date and time listed above, a default judgment may be entered against you giving Plaintiff the right to evict you from the premises without any further court hearings.
5. **Court employees are not permitted to give advice on legal questions.**

Notice to Occupant(s) Not Named on the Summons: If you live on the premises and wish to remain, you must come to Court even if you are not named as a Defendant on the Summons or Complaint.

PLEASE SEE THE BACK OF THIS FORM FOR IMPORTANT INFORMATION ABOUT THE COURT PROCESS. IF YOU HAVE ANY ADDITIONAL QUESTIONS ABOUT THE SUMMONS AND COMPLAINT, OR YOUR RIGHTS AND RESPONSIBILITIES, PLEASE CONSULT AN ATTORNEY PROMPTLY.

CITATORIO DE COMPARENCIA AL TRIBUNAL Y AVISO DE AUDIENCIA

POR MEDIO DE LA PRESENTE SE LE EXIGE Y ORDENA QUE COMPAREZCA EL _____ A LAS 9:00 A.M. PUNTUALMENTE a la Sala de Arrendadores e Inquilinos, 510 4th Street, NW. Edificio B. Entre las Calles E y F, N.W., paradero de Metro, Judiciary Square, línea roja ♦ Entrada accesible para silla de ruedas por la Calle F.

1. Se le demanda por transferencia de la tenencia de la propiedad en que habita.
2. Este escrito es un citatorio de una demanda para su desalojamiento.
3. La demanda adjunta a este citatorio declara la base del demandante para la tenencia que pide. Si la demanda no está adjunta, hay una copia disponible en la oficina de la Secretaría de Arrendador e Inquilino en la 510 4th Street, NW, Edificio B #110.
4. Si usted o su abogado no comparecen a la hora y en la fecha indicadas, se podría emitir un fallo en su contra por incomparecencia, permitiendo así que el demandante lo desaloje del lugar sin necesitarse audiencias posteriores.
5. **Al personal del tribunal no se les permite asesorar en cuestiones jurídicas.**

Advertencia a los inquilinos no nombrados en la demanda: Si usted vive en la propiedad y desea permanecer ahí pero no ha sido mencionado como inquilino, debe presentarse al Tribunal aun si no es nombrado como demandado en la convocatoria o demanda.

VEA AL DORSO DE ESTE FORMULARIO: INFORMACIÓN IMPORTANTE SOBRE EL PROCESO JUDICIAL. SI TIENE MÁS PREGUNTAS SOBRE EL CITATORIO Y LA DEMANDA O SOBRE SUS DERECHOS Y DEBERES, CONSÚLTELE A UN ABOGADO PRONTO.

Make sure to complete this section with your information if you have no lawyer.

Jane Doe

Plaintiff/Plaintiff's Attorney Unified Bar No.
1234 5th Street, SE Apt 2 Washington, DC 20020

Address Zip Code
202-555-1212 janedoe1234@email.com

Phone No. Email Address (required only for attorneys)

CLERK OF THE COURT

Leave blank- the Clerk will calculate the costs. ↓

Costs of this suit to date are \$ _____
Costas a la fecha



如需翻译,请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

번역을 원하시면, (202) 879-4828 로 전화하십시오

Đề có một bài dịch, hãy gọi (202) 879-4828

የአግርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

When you take this document to file in the Clerk's Office, you will need two copies plus two copies for each defendant. The filing fee for the Summons and Complaint is \$15, unless waived by the Court.

IMPORTANT INFORMATION - PLEASE READ CAREFULLY

BEFORE YOU COME TO COURT: Contact one of these agencies for legal assistance or look on www.lawhelp.org/dc to learn about settlement options, legal defenses, presenting your case and more information about your rights as a tenant before your court date:

Neighborhood Legal Services	(202) 269-5100	Legal Counsel for the Elderly	(202) 434-2120
D.C. Law Students in Court	(202) 638-4798	Bread for the City	(202) 265-2400
The Legal Aid Society of D.C.	(202) 628-1161	D.C. Bar Legal Information Help Line	(202) 626-3499

Residential landlords and tenants may also visit the Landlord Tenant Resource Center located at 510 4th Street, NW, Bldg. B, Room #115 (202) 508-1710. The Resource Center provides legal information from attorneys at no charge and is open from 9:15 a.m. to Noon, Mon. – Fri.

YOUR LANDLORD HAS SUED TO EVICT YOU. COME TO COURT ON THE DATE YOUR SUMMONS REQUIRES YOU TO APPEAR:

Come to court even if you think you do not owe any rent or have not violated your lease. If you do not come to court, or if you are late, you may be evicted without any further court hearings. You also may have a judgment for money entered against you, and your landlord may be allowed to garnish your wages or bank account.

IF YOU HAVE ALREADY PAID THE RENT: Read the Complaint carefully. Even if your rent is paid in full, the Complaint may include reasons other than unpaid rent, which the Plaintiff may rely on to seek your eviction. Even if the only reason the Plaintiff is suing you is unpaid rent, the Plaintiff may be able to seek your eviction in this case based on rent and late fees that come due **after** this Complaint was filed. Those charges may not be listed on this Complaint. The Plaintiff is not required to dismiss the Complaint unless the case is based on unpaid rent **only** and you bring your rental account to a “zero” balance as of the day you pay.

YOU MUST BE IN THE COURTROOM PROMPTLY AT 9:00 AM AND YOU SHOULD EXPECT TO BE IN COURT FOR SEVERAL

HOURS: The Judge will read an opening statement informing you of the court process and your rights as a defendant. Answer *roll call* when the clerk calls your name. If you get to court late, tell the clerk immediately that you have arrived. If a default has been entered against you, try to speak to a tenant’s lawyer or a lawyer in the Landlord Tenant Resource Center (Room 115) or, if you have a legal defense to this case, file a “Motion to Vacate Default” in the Clerk’s Office. Otherwise, you probably will be evicted.

BRING ALL PAPERS RELATING TO YOUR CASE TO COURT: *Bring this document and the Complaint attached to this document with you to court every time you appear.* Also, bring all papers that relate to your case, such as your lease, rent receipts, pictures or anything else that will explain your side of the case to the judge. You do not need to bring witnesses to the first court hearing.

WHEN YOU GET TO COURT: Neither party is required to make any agreement in this case. If you do make an agreement with the Plaintiff, be sure that all promises you or the Plaintiff make are in writing before you sign the agreement. If you do not want to make an agreement or cannot reach an agreement, your case will be called before the judge where you may present any defenses or make any requests.

IF YOU HAVE AN EMERGENCY AND CANNOT COME TO COURT OR GET THERE ON TIME: Call the clerk immediately at (202) 879-4879. Come to court as soon as you can and ask for help.

PERSONS WITH DISABILITIES: If you have a disability as defined by the American Disabilities Act (ADA) and you require an accommodation, please call (202) 879-1700. If you are unable to report to your required court hearing, please call (202) 879-4879. The court does not provide transportation service.

INTERPRETATION SERVICES: If you need language interpretation services for any language other than Spanish, please call (202) 879-4828 as soon as you get these papers. If you need a Sign Language Interpreter, call (202) 879-1492 or (202) 879-1656 (TDD).

CHILD CARE: A Child Care Center is in the main courthouse (500 Indiana Ave., NW, Room C-185). Call (202) 879-1759 for information.

INFORMACIÓN IMPORTANTE - POR FAVOR LEA CON CUIDADO

ANTES DE PRESENTARSE AL TRIBUNAL: Antes de su audiencia, comuníquese con una de las agencias judiciales arriba enumeradas o al www.lawhelp.org/dc para enterarse de las opciones de común acuerdo, sus defensas, cómo presentar su caso e información adicional referente a sus derechos. Los arrendadores particulares y los inquilinos pueden acudir al Centro de Recursos de Arrendador e Inquilino, 510 Calle 4, NW, Edificio B, Sala 115, (202) 508-1710. El Centro de Recursos cuenta con abogados que le ofrecen información jurídica gratuita. Atención: 9:15 a.m. a 12:00 p.m. de lunes a viernes.

EL ARRENDADOR RADICÓ UNA DEMANDA PARA SU DESALOJO. COMPAREZCA AL TRIBUNAL EN LA FECHA QUE SE LE INDICA EN EL CITATORIO: Comparezca al tribunal incluso si cree que no debe alquiler o no ha violado el contrato. Si no comparece, o si llega tarde, podría ser desalojado sin audiencias posteriores. De igual manera es posible que se emita un fallo en su contra y que su arrendador pueda retenerle sus ingresos o embargarle la cuenta corriente.

SI YA PAGÓ EL ALQUILER: Lea la demanda con cuidado. Aun si su alquiler está al corriente, la demanda puede incluir razones diferentes al pago de alquiler para pedir su desalojo. Aun si el único motivo de la demanda es el alquiler en mora, el demandante podría pedir su desalojo basándose en multas y alquiler pagaderos **después** de la instauración de la demanda. Es posible que dichas acusaciones no se encuentren enumeradas en esta demanda. Al demandante no se le exige desestimar la causa a menos que ésta se base **sólo** en la falta de pago y usted pusiera su cuenta de alquiler en cero para la fecha en que pague el alquiler.

COMPAREZCA EN SALA PUNTUALMENTE A LAS 9:00 AM Y ANTICIPE QUE ESTARÁ EN EL JUZGADO VARIAS HORAS: El juez leerá las declaraciones de apertura informándole sobre el proceso jurídico y sus derechos como demandado. Conteste al escuchar su nombre cuando pasen lista. Si llega tarde, avísele al secretario de actas apenas llegue. Si se ha emitido un fallo en su contra por incomparecencia, intente hablar con el abogado del arrendador o con uno en el Centro de Recursos para Arrendadores e Inquilinos (Oficina 115) o, si tiene defensa legal contra esta causa, presente una petición para desestimar (*Motion to Vacate*) en la Secretaría. De no hacerlo, lo desalojarán.

TRAIGA CONSIGO TODOS LOS DOCUMENTOS PERTINENTES A SU CASO: *Cada vez que comparezca, traiga este documento al igual que la demanda adjunta.* También traiga todos los documentos pertinentes a su caso, como lo son el contrato, recibos del pago de alquiler, fotos o cualquier otra cosa que le explique al juez su parte de la causa. No tiene que traer testigos a la primera audiencia.

CUANDO LLEGUE AL TRIBUNAL: No se le exige a ninguna parte que llegue a un acuerdo en el caso. Si llega a un acuerdo con el demandante, asegúrese que todas sus promesas y las del demandante estén escritas antes de firmar el acuerdo. Si no desea o no pueden llegar a un acuerdo, su caso será ventilado ante el juez y ahí podrá presentar cualquier defensa o hacer cualquier petición.

SI TIENE UNA EMERGENCIA Y NO PUEDE LLEGAR AL TRIBUNAL O NO PUEDE LLEGAR A TIEMPO: Llame de inmediato a la secretaria al (202) 879-4879. Diríjase el tribunal lo más pronto posible y pida ayuda.

PERSONAS DISCAPACITADAS: Si tiene una discapacidad que le impide venir al tribunal o llegar a tiempo, o si necesita otro tipo de asistencia, llame al (202) 879-1700 tan pronto sea posible para pedir ayuda.

SERVICIOS DE INTERPRETACIÓN: Si necesita servicio de intérprete para un idioma que no sea el español, favor de llamar al (202) 879-4828 apenas reciba estos documentos. Si necesita intérprete de señas comuníquese al (202) 879-1492 o al (202) 879-1656 (TDD).

GUARDERÍA INFANTIL: Hay una Guardería Infantil en el tribunal principal (500 Av. Indiana, NW, Sala C-185). Informe al (202) 879-1759.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION
LANDLORD AND TENANT BRANCH
510 4th STREET, N.W., Building B, Room #110, Washington, D.C. 20001 Telephone (202) 879-4879**

Case No. LTB _____

Jane Doe

Plaintiff(s)
1234 5th Street, SE Apt. 2

Address (No post office boxes)
Washington DC 20020

City State Zip Code
202-555-1212

Phone Number

VS. John Smith

Defendant(s)
1234 5th Street, SE Apt. 2

Address
Washington, D.C. 20020

City State Zip Code
202-555-5555

Phone Number (if known)

**VERIFIED COMPLAINT FOR POSSESSION OF REAL PROPERTY -- FORM 1B
(Violation of Obligations of Tenancy or Other Grounds for Eviction – Residential Property)**

DISTRICT OF COLUMBIA, ss:

1. I, (name, address, and phone #) Jane Doe, 1234 5th Street, SE Apt. 2, Washington, DC 20020, 202-555-1212, swear or affirm, under penalties of perjury, that I have knowledge of the facts set forth in this Complaint and that I am: Plaintiff, **or** Plaintiff's attorney, **or** Plaintiff's agent authorized to make this verification and my relationship to Plaintiff is (explain, and if Plaintiff is a corporation, include your title) _____.

2. Plaintiff is the Landlord or Owner, **or** has been appointed Personal Representative of the Estate in case no. _____ and is authorized to take possession of the property, **or** is not the Landlord, Owner, or Personal Representative but has the right to demand possession because (explain) I am the lawful tenant, and the defendant is a guest who refuses to leave. *← If you are not the owner, explain why you have a right to evict the defendant.*

If the defendant only lives in part of the property or if some or all of the furnishings are yours, explain here. ↓

3. Plaintiff seeks possession of property located at 1234 5th Street, SE Apt. 2 (master bedroom, partially furnished), Washington, D.C. Property is in possession of Defendant, who holds it without right. Plaintiff seeks possession of property because:

A. Defendant is a tenant who failed to vacate the property after expiration of a properly served written Notice to Vacate **or** Notice to Correct or Vacate **or** Notice to Quit. (Attach copy of Notice and affidavit of service of the Notice.)

1) Content of the Notice:

- All of the facts stated in the attached Notice were true at the time the Notice was served, **or**
 Plaintiff relies only on the following facts in the attached Notice, which were true at the time the Notice was served: (specify) _____

2) Complete only in cases alleging violations of obligations of tenancy:

a. Defendant's conduct set forth in the Notice violates: (select one or both)

- The following paragraph number(s) or provision(s) of the written lease: _____; **and/or**
 Title 14 of the District of Columbia Municipal Regulations (D.C. Housing Code). Cite section _____ of Title 14, or describe conduct _____

b. Defendant's conduct set forth in the Notice occurred within six months before service of the Notice: yes no

c. Check and complete **one** of the following:

- Of the violation(s) listed in the Notice, Defendant failed to correct/cure the following violation(s) by the deadline set forth in the Notice: _____

- Defendant has no right to correct/cure the violation(s) because (federally subsidized housing only): _____

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION
LANDLORD AND TENANT BRANCH**

510 4th STREET, N.W., Building B, Room #110, Washington, D.C. 20001 Telephone (202) 879-4879 www.dccourts.gov

Case No. LTB _____

Plaintiff(s)

Address (No post office boxes)

City State Zip Code

Phone Number

VS.

Defendant(s)

Address
Washington, D.C.

Zip Code

Phone Number (if known)

SUMMONS TO APPEAR IN COURT AND NOTICE OF HEARING -- FORM 1S

YOU ARE HEREBY SUMMONED AND REQUIRED TO APPEAR ON _____ AT 9:00 A.M.

PROMPTLY, in the Landlord and Tenant Courtroom, Room 109, Bldg. B, 510 4th Street, NW.

Between E and F Streets, N.W., Judiciary Square Red Line Metro stop ♦ Wheelchair accessible entrance located on F Street side of building

1. You are being sued for possession of the premises you occupy.
2. This paper is a Summons in a lawsuit seeking your eviction.
3. The Complaint attached to this Summons states the grounds for possession claimed by the Plaintiff. If the Complaint is not attached, a copy is available in the Landlord and Tenant Clerk's Office at 510 4th Street, Building B, Room #110.
4. If you, or your attorney, do not appear on the date and time listed above, a default judgment may be entered against you giving Plaintiff the right to evict you from the premises without any further court hearings.
5. **Court employees are not permitted to give advice on legal questions.**

Notice to Occupant(s) Not Named on the Summons: If you live on the premises and wish to remain, you must come to Court even if you are not named as a Defendant on the Summons or Complaint.

PLEASE SEE THE BACK OF THIS FORM FOR IMPORTANT INFORMATION ABOUT THE COURT PROCESS. IF YOU HAVE ANY ADDITIONAL QUESTIONS ABOUT THE SUMMONS AND COMPLAINT, OR YOUR RIGHTS AND RESPONSIBILITIES, PLEASE CONSULT AN ATTORNEY PROMPTLY.

CITATORIO DE COMPARENCIA AL TRIBUNAL Y AVISO DE AUDIENCIA

POR MEDIO DE LA PRESENTE SE LE EXIGE Y ORDENA QUE COMPAREZCA EL _____ A

LAS 9:00 A.M. PUNTUALMENTE a la Sala de Arrendadores e Inquilinos, 510 4th Street, NW. Edificio B.

Entre las Calles E y F, N.W., paradero de Metro, Judiciary Square, línea roja ♦ Entrada accesible para silla de ruedas por la Calle F.

1. Se le demanda por transferencia de la tenencia de la propiedad en que habita.
2. Este escrito es un citatorio de una demanda para su desalojamiento.
3. La demanda adjunta a este citatorio declara la base del demandante para la tenencia que pide. Si la demanda no está adjunta, hay una copia disponible en la oficina de la Secretaría de Arrendador e Inquilino en la 510 4th Street, NW, Edificio B #110.
4. Si usted o su abogado no comparecen a la hora y en la fecha indicadas, se podría emitir un fallo en su contra por incomparecencia, permitiendo así que el demandante lo desaloje del lugar sin necesitarse audiencias posteriores.
5. **Al personal del tribunal no se les permite asesorar en cuestiones jurídicas.**

Advertencia a los inquilinos no nombrados en la demanda: Si usted vive en la propiedad y desea permanecer ahí pero no ha sido mencionado como inquilino, debe presentarse al Tribunal **aun si no es nombrado como demandado en la convocatoria o demanda.**

VEA AL DORSO DE ESTE FORMULARIO: INFORMACIÓN IMPORTANTE SOBRE EL PROCESO JUDICIAL. SI TIENE MÁS PREGUNTAS SOBRE EL CITATORIO Y LA DEMANDA O SOBRE SUS DERECHOS Y DEBERES, CONSÚLTELE A UN ABOGADO PRONTO.

Plaintiff/Plaintiff's Attorney Unified Bar No.

Address Zip Code

Phone No. Email Address (required only for attorneys)

CLERK OF THE COURT

Costs of this suit to date are \$ _____
Costas a la fecha



如需翻译, 请打电话 (202) 879-4828

Veuillez appeler au (202) 879-4828 pour une traduction

번역을 원하시면, (202) 879-4828 로 전화하십시오

Đề có một bài dịch, hãy gọi (202) 879-4828

የአማርኛ ትርጉም ለማግኘት (202) 879-4828 ይደውሉ

IMPORTANT INFORMATION - PLEASE READ CAREFULLY

BEFORE YOU COME TO COURT: Contact one of these agencies for legal assistance or look on www.lawhelp.org/dc to learn about settlement options, legal defenses, presenting your case and more information about your rights as a tenant before your court date:

Neighborhood Legal Services	(202) 269-5100	Legal Counsel for the Elderly	(202) 434-2120
D.C. Law Students in Court	(202) 638-4798	Bread for the City	(202) 265-2400
The Legal Aid Society of D.C.	(202) 628-1161	D.C. Bar Legal Information Help Line	(202) 626-3499

Residential landlords and tenants may also visit the Landlord Tenant Resource Center located at 510 4th Street, NW, Bldg. B, Room #115 (202) 508-1710. The Resource Center provides legal information from attorneys at no charge and is open from 9:15 a.m. to Noon, Mon. – Fri.

YOUR LANDLORD HAS SUED TO EVICT YOU. COME TO COURT ON THE DATE YOUR SUMMONS REQUIRES YOU TO APPEAR:

Come to court even if you think you do not owe any rent or have not violated your lease. If you do not come to court, or if you are late, you may be evicted without any further court hearings. You also may have a judgment for money entered against you, and your landlord may be allowed to garnish your wages or bank account.

IF YOU HAVE ALREADY PAID THE RENT: Read the Complaint carefully. Even if your rent is paid in full, the Complaint may include reasons other than unpaid rent, which the Plaintiff may rely on to seek your eviction. Even if the only reason the Plaintiff is suing you is unpaid rent, the Plaintiff may be able to seek your eviction in this case based on rent and late fees that come due **after** this Complaint was filed. Those charges may not be listed on this Complaint. The Plaintiff is not required to dismiss the Complaint unless the case is based on unpaid rent **only** and you bring your rental account to a “zero” balance as of the day you pay.

YOU MUST BE IN THE COURTROOM PROMPTLY AT 9:00 AM AND YOU SHOULD EXPECT TO BE IN COURT FOR SEVERAL

HOURS: The Judge will read an opening statement informing you of the court process and your rights as a defendant. Answer *roll call* when the clerk calls your name. If you get to court late, tell the clerk immediately that you have arrived. If a default has been entered against you, try to speak to a tenant’s lawyer or a lawyer in the Landlord Tenant Resource Center (Room 115) or, if you have a legal defense to this case, file a “Motion to Vacate Default” in the Clerk’s Office. Otherwise, you probably will be evicted.

BRING ALL PAPERS RELATING TO YOUR CASE TO COURT: *Bring this document and the Complaint attached to this document with you to court every time you appear.* Also, bring all papers that relate to your case, such as your lease, rent receipts, pictures or anything else that will explain your side of the case to the judge. You do not need to bring witnesses to the first court hearing.

WHEN YOU GET TO COURT: Neither party is required to make any agreement in this case. If you do make an agreement with the Plaintiff, be sure that all promises you or the Plaintiff make are in writing before you sign the agreement. If you do not want to make an agreement or cannot reach an agreement, your case will be called before the judge where you may present any defenses or make any requests.

IF YOU HAVE AN EMERGENCY AND CANNOT COME TO COURT OR GET THERE ON TIME: Call the clerk immediately at (202) 879-4879. Come to court as soon as you can and ask for help.

PERSONS WITH DISABILITIES: If you have a disability as defined by the American Disabilities Act (ADA) and you require an accommodation, please call (202) 879-1700. If you are unable to report to your required court hearing, please call (202) 879-4879. The court does not provide transportation service.

INTERPRETATION SERVICES: If you need language interpretation services for any language other than Spanish, please call (202) 879-4828 as soon as you get these papers. If you need a Sign Language Interpreter, call (202) 879-1492 or (202) 879-1656 (TDD).

CHILD CARE: A Child Care Center is in the main courthouse (500 Indiana Ave., NW, Room C-185). Call (202) 879-1759 for information.

INFORMACIÓN IMPORTANTE - POR FAVOR LEA CON CUIDADO

ANTES DE PRESENTARSE AL TRIBUNAL: Antes de su audiencia, comuníquese con una de las agencias judiciales arriba enumeradas o al www.lawhelp.org/dc para enterarse de las opciones de común acuerdo, sus defensas, cómo presentar su caso e información adicional referente a sus derechos. Los arrendadores particulares y los inquilinos pueden acudir al Centro de Recursos de Arrendador e Inquilino, 510 Calle 4, NW, Edificio B, Sala 115, (202) 508-1710. El Centro de Recursos cuenta con abogados que le ofrecen información jurídica gratuita. Atención: 9:15 a.m. a 12:00 p.m. de lunes a viernes.

EL ARRENDADOR RADICÓ UNA DEMANDA PARA SU DESALOJO. COMPAREZCA AL TRIBUNAL EN LA FECHA QUE SE LE INDICA EN EL CITATORIO: Comparezca al tribunal incluso si cree que no debe alquiler o no ha violado el contrato. Si no comparece, o si llega tarde, podría ser desalojado sin audiencias posteriores. De igual manera es posible que se emita un fallo en su contra y que su arrendador pueda retenerle sus ingresos o embargarle la cuenta corriente.

SI YA PAGÓ EL ALQUILER: Lea la demanda con cuidado. Aun si su alquiler está al corriente, la demanda puede incluir razones diferentes al pago de alquiler para pedir su desalojo. Aun si el único motivo de la demanda es el alquiler en mora, el demandante podría pedir su desalojo basándose en multas y alquiler pagaderos **después** de la instauración de la demanda. Es posible que dichas acusaciones no se encuentren enumeradas en esta demanda. Al demandante no se le exige desestimar la causa a menos que ésta se base **sólo** en la falta de pago y usted pusiera su cuenta de alquiler en cero para la fecha en que pague el alquiler.

COMPAREZCA EN SALA PUNTUALMENTE A LAS 9:00 AM Y ANTICIPE QUE ESTARÁ EN EL JUZGADO VARIAS HORAS: El juez leerá las declaraciones de apertura informándole sobre el proceso jurídico y sus derechos como demandado. Conteste al escuchar su nombre cuando pasen lista. Si llega tarde, avísele al secretario de actas apenas llegue. Si se ha emitido un fallo en su contra por incomparecencia, intente hablar con el abogado del arrendador o con uno en el Centro de Recursos para Arrendadores e Inquilinos (Oficina 115) o, si tiene defensa legal contra esta causa, presente una petición para desestimar (*Motion to Vacate*) en la Secretaría. De no hacerlo, lo desalojarán.

TRAIGA CONSIGO TODOS LOS DOCUMENTOS PERTINENTES A SU CASO: *Cada vez que comparezca, traiga este documento al igual que la demanda adjunta.* También traiga todos los documentos pertinentes a su caso, como lo son el contrato, recibos del pago de alquiler, fotos o cualquier otra cosa que le explique al juez su parte de la causa. No tiene que traer testigos a la primera audiencia.

CUANDO LLEGUE AL TRIBUNAL: No se le exige a ninguna parte que llegue a un acuerdo en el caso. Si llega a un acuerdo con el demandante, asegúrese que todas sus promesas y las del demandante estén escritas antes de firmar el acuerdo. Si no desea o no pueden llegar a un acuerdo, su caso será ventilado ante el juez y ahí podrá presentar cualquier defensa o hacer cualquier petición.

SI TIENE UNA EMERGENCIA Y NO PUEDE LLEGAR AL TRIBUNAL O NO PUEDE LLEGAR A TIEMPO: Llame de inmediato a la secretaria al (202) 879-4879. Dirijase el tribunal lo más pronto posible y pida ayuda.

PERSONAS DISCAPACITADAS: Si tiene una discapacidad que le impide venir al tribunal o llegar a tiempo, o si necesita otro tipo de asistencia, llame al (202) 879-1700 tan pronto sea posible para pedir ayuda.

SERVICIOS DE INTERPRETACIÓN: Si necesita servicio de intérprete para un idioma que no sea el español, favor de llamar al (202) 879-4828 apenas reciba estos documentos. Si necesita intérprete de señas comuníquese al (202) 879-1492 o al (202) 879-1656 (TDD).

GUARDERÍA INFANTIL: Hay una Guardería Infantil en el tribunal principal (500 Av. Indiana, NW, Sala C-185). Informe al (202) 879-1759.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CIVIL DIVISION
LANDLORD AND TENANT BRANCH
510 4th STREET, N.W., Building B, Room #110, Washington, D.C. 20001 Telephone (202) 879-4879**

Case No. LTB _____

Plaintiff(s)

Address (No post office boxes)

City State Zip Code

Phone Number

vs.

Defendant(s)

Address
Washington, D.C.

Zip Code

Phone Number (if known)

**VERIFIED COMPLAINT FOR POSSESSION OF REAL PROPERTY -- FORM 1B
(Violation of Obligations of Tenancy or Other Grounds for Eviction – Residential Property)**

DISTRICT OF COLUMBIA, ss:

1. I, (name, address, and phone #) _____, swear or affirm, under penalties of perjury, that I have knowledge of the facts set forth in this Complaint and that I am: Plaintiff, **or** Plaintiff's attorney, **or** Plaintiff's agent authorized to make this verification and my relationship to Plaintiff is (explain, and if Plaintiff is a corporation, include your title) _____.
2. Plaintiff is the Landlord or Owner, **or** has been appointed Personal Representative of the Estate in case no. _____ and is authorized to take possession of the property, **or** is not the Landlord, Owner, or Personal Representative but has the right to demand possession because (explain) _____.
3. Plaintiff seeks possession of property located at _____, Washington, D.C. Property is in possession of Defendant, who holds it without right. Plaintiff seeks possession of property because:
 - A. Defendant is a tenant who failed to vacate the property after expiration of a properly served written Notice to Vacate **or** Notice to Correct or Vacate **or** Notice to Quit. (Attach copy of Notice and affidavit of service of the Notice.)
 - 1) Content of the Notice:
 - All of the facts stated in the attached Notice were true at the time the Notice was served, **or**
 - Plaintiff relies only on the following facts in the attached Notice, which were true at the time the Notice was served: (specify) _____
 - 2) Complete only in cases alleging violations of obligations of tenancy:
 - a. Defendant's conduct set forth in the Notice violates: (select one or both)
 - The following paragraph number(s) or provision(s) of the written lease: _____; **and/or**
 - Title 14 of the District of Columbia Municipal Regulations (D.C. Housing Code). Cite section _____ of Title 14, or describe conduct _____
 - b. Defendant's conduct set forth in the Notice occurred within six months before service of the Notice: yes no
 - c. Check and complete **one** of the following:
 - Of the violation(s) listed in the Notice, Defendant failed to correct/cure the following violation(s) by the deadline set forth in the Notice: _____
 - Defendant has no right to correct/cure the violation(s) because (federally subsidized housing only): _____

NOTICE TO DEFENDANTS

Please note that you should have received with this Complaint an additional form entitled “**Summons to Appear in Court and Notice of Hearing.**” If you did not receive the Summons, *immediately* call the Landlord-Tenant Clerk’s Office at 202-879-4879 to learn what date you are required to appear in Court to respond to this Complaint.

AVISO A LOS DEMANDADOS

Sírvanse tomar nota, que junto con la Demanda, deben haber recibido un formulario adicional, titulado “**Citatorio para Comparecer en el Juzgado y Aviso de Audiencia**”. Si no recibió el Citatorio, llame *inmediatamente* a la Secretaría de Actas de Arrendadores e Inquilinos, al 202-879-4879 para enterarse de la fecha en que tiene que comparecer ante el Juzgado para contestar esta Demanda.

NOTICE TO DEFENDANTS

Please note that you should have received with this Complaint an additional form entitled “**Summons to Appear in Court and Notice of Hearing.**” If you did not receive the Summons, *immediately* call the Landlord-Tenant Clerk’s Office at 202-879-4879 to learn what date you are required to appear in Court to respond to this Complaint.

AVISO A LOS DEMANDADOS

Sírvanse tomar nota, que junto con la Demanda, deben haber recibido un formulario adicional, titulado “**Citatorio para Comparecer en el Juzgado y Aviso de Audiencia**”. Si no recibió el Citatorio, llame *inmediatamente* a la Secretaría de Actas de Arrendadores e Inquilinos, al 202-879-4879 para enterarse de la fecha en que tiene que comparecer ante el Juzgado para contestar esta Demanda.

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.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION, LANDLORD AND TENANT BRANCH
BLDG. B, 510 4th Street N.W., Room 110
Washington, D.C. 20001 Telephone (202) 879-1152

L&T _____

Date of Initial Hearing _____

Plaintiff/Landlord

Defendant/Tenant

vs.

Address

Address

AFFIDAVIT OF SERVICE

I, _____, age _____, residing at _____ and not a party to this case, depose and say that on _____, 200____, at _____AM/PM, I served a copy of the complaint and summons as follows:

- On the Defendant/Tenant _____ personally.
- By leaving said copy with _____, a person of suitable discretion above the age of sixteen (16) years, residing who resides on or at Defendant/Tenant's address given above, the Defendant/Tenant having left the District of Columbia or not to be found.
- Having at least twice attempted with due diligence and failed to effect service upon the Defendant/Tenant personally or upon a person of suitable discretion above the age of sixteen (16) years residing on or at the Defendant/Tenant's address given above by posting said copy on the door of the premises where it could be conveniently read. The date and time of all attempts at personal service were as follows:

First attempt: Date/Time _____, 201____, at _____AM/PM

Second attempt: Date/Time _____, 201____, at _____AM/PM

Other attempts (if applicable) _____

In addition to the service noted above, I mailed a copy of the Complaint and Summons to the Defendant/Tenant at the following address: _____ by first class U.S. mail, postage prepaid on _____, 201____.

(For a corporation or limited liability company) I served _____, an officer, managing agent or general agent, or _____, a registered agent.

You must set forth specific facts from which the Court can determine that process was served as indicated above and in compliance with D.C. Code Section 16-1502 and SCR L&T 4, including a physical description of any person on whom service was made and, if service was by posting at the Defendant/Tenant's address, a description of the door, including its location, color and any distinguishing marks: _____

Special Process Server

Subscribe and sworn to before me this _____ day of _____, 201____.

Notary Public

My commission expires

NOTE: A separate Affidavit is required for service on each named Defendant/Tenant.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT and CIVIL DIVISION

Plaintiff/Petitioner

v.

Case no: _____

Defendant/Respondent

**APPLICATION TO PROCEED WITHOUT PREPAYMENT
OF COSTS, FEES, OR SECURITY (*In Forma Pauperis*)**
Form 106A

I, _____ am the (check one)

- Plaintiff/Petitioner Defendant/Respondent

I need an interpreter for this case. I speak the following language:
_____ [Insert Language].

I respectfully ask permission to proceed in this case without pre-paying costs or fees and without giving security for them because I am not able to do so without substantial hardship to myself or to my family. In support of this request, I state the following:

Check and answer only those that apply.

INCOME

1. I receive the following public benefits, and the law presumes that I am eligible to proceed without prepayment of costs, fees, or security (see D.C. Code § 15-712):

- Temporary Assistance for Needy Families (TANF)
- General Assistance for Children (GAC)
- Program on Work, Employment and Responsibility (POWER)
- Supplemental Security Income (SSI)

2. Even though I do not receive the above public benefits, I receive the following similar benefits and, therefore, request that my Application be approved:

- Interim Disability Assistance (IDA) because my SSI application has not been approved/certified
- Medicaid
- DC Healthcare Alliance or the following similar health benefits (describe)_____.

If you checked any of the above boxes, you do not need to answer any more questions and may skip to the section called "Declaration." Otherwise, you must answer the rest of the questions on this form. If additional information is required, you will be notified.

3. My total income over the past 12 months from all sources (including, but not limited to, my job, other wages or business income, rental income, pensions, annuities or life insurance payments, worker's compensation, unemployment compensation or insurance, annual interest or dividends, gifts, alimony or spousal support, inheritance or trust income) is \$_____.

4. I am presently unemployed. The last date I worked was on _____' _____.
Month Year

DEPENDENTS

5. How many people live in your household and depend on you for support: _____. Of these people, how many are minor children or elderly? _____.

ASSETS

6. I state the following about my property:

I have \$_____ in cash, including money in savings or checking accounts.

I own the vehicles, personal home, other real estate, stock, bonds, or other valuable property, besides household furnishings and clothing, listed below:

List the Property

EXPENSES

7. This is my best estimate of the monthly expenses for myself and the people in my household who depend on me for support:

Housing (rent, mortgage, taxes, & insurance): \$_____

Public Transportation and Gasoline: \$_____

Automobile Loan, Insurance, Maintenance: \$_____

Health (medical, dental, vision, prescriptions, insurance): \$_____

Food and other Household Necessities: \$_____

Utilities (including gas, electric, water, phone, internet): \$_____

Clothing: \$_____

Child Support: \$_____

Childcare (including diapers, daycare): \$_____

Other (explain in detail): \$_____

Total Estimated Monthly Expenses: \$_____

OTHER SPECIAL CIRCUMSTANCES

- 8. (Optional) Explain any other special circumstances that you want to have considered in support of your request, including any large monthly expenses, debts, wage or bank account garnishments, and/or judgments.

DECLARATION

REQUIRED: I solemnly swear or affirm under criminal penalties for the making of a false statement, which includes 180 days in jail or a \$1,000 fine or both, that I have read this Application and that the factual statements made in it are true to the best of my personal knowledge, information and belief.¹

Signature

Address

Phone Number

Date

**POINTS AND AUTHORITIES IN SUPPORT OF APPLICATION TO
PROCEED WITHOUT PREPAYMENT OF COSTS, FEES, OR SECURITY**

1. D.C. Code § 15-712.
2. D.C. Code § 22-2405.
3. Civil Rule 54-II, Domestic Relations Proceedings Rule 54-II, and Family Rule R.
4. *Adkins v. E.I. Du Pont de Nemours & Co., Inc.*, 335 U.S. 331 (1948).
5. *Harris v. Harris*, 137 U.S. App. D.C. 318, 322, 424 F.2d 806 (1970), *cert. denied*, 400 U.S. 826 (1970) (“*in forma pauperis* relief not limited to those who are public charges or absolutely destitute”).
6. *Green v. Green*, 562 A.2d 1214 (D.C. 1989) (statute “effectuates the fundamental principle that every litigant should be provided equal access to the courts without regard to financial ability”).
7. *Herbin v. Hoeffel*, 727 A.2d 883, 887 (D.C. 1999) (court officers serve process in *in forma pauperis* cases).
8. *Cabillo v. Cabillo*, 317 A.2d 866, 866 (D.C. 1974) (per curiam) (reversing denial of *in forma pauperis* status and mandating granting of petition where litigant’s income “only slightly above the welfare standard”).

¹ When you come to court, you may be asked questions about this Application. If your responses are not truthful, you could face additional criminal penalties.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT and CIVIL DIVISION

Plaintiff/Petitioner

v.

Case No. _____

Defendant/Respondent

ORDER

Having considered Plaintiff/Petitioner's Defendant/Respondent's Application to Proceed without Prepayment of Costs, Fees, or Security, it is hereby ordered that the Application is:

- GRANTED** in this Family Court case and, pursuant to Domestic Relations Rule 54-II, witnesses will be subpoenaed without prepayment of witness fees;
- GRANTED** in this Civil Division case and, pursuant to Civil Rule 54-II, the officers of the Court will issue and serve all process; witnesses will be subpoenaed without prepayment of witness fees;
- DENIED**
 - For the following reasons: _____

 - For the reasons stated on the record in open court and in the presence of the applicant or his or her counsel;

Date

Judge