

3803 SERVICE OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTS

- 3803.1 All pleadings, motions, and other documents required to be served on any person under this chapter shall be served on that person or shall be served on the representative designated by a party, as provided in § 3812, in the manner provided in this section.
- 3803.2 When a party has a representative of record as provided in § 3812, service shall be made upon the representative.
- 3803.3 Notwithstanding § 904(a) of the Act (D.C. Official Code § 42-3509.04(a)), for the purposes of this chapter, service upon any person or representative shall be completed only:
- (a) By handing the document to the person, by leaving it at the person's place of business with a responsible person in charge, or by leaving it at the person's usual place of residence with a person of suitable age and discretion;
 - (b) By first-class mail of the United States Postal Service, properly stamped and addressed;
 - (c) By email attachment in Portable Document Format (".pdf" file type) or Microsoft Word format (".doc" or ".docx" file types); provided, that the prior written consent of the person to be served to electronic service has been filed with the Commission, the Rent Administrator, or the Office of Administrative Hearings in the course of the proceeding for which service is made; or
 - (d) By any other means that is in conformity with an order of the Commission in the course of the proceeding for which service is made.
- 3803.4 Actual receipt of service shall bar any claim of defective service, except for a claim with respect to the timeliness of service. A party that consents to service by email is responsible for monitoring its email account, including any "junk" or "spam" folders, and a party that fails to do so will not be excused from having actually received service.
- 3803.5 Service by mail of the U.S. Postal Service shall be complete upon mailing. Service by email attachment shall be complete upon transmission by the serving party's email system, unless the party promptly receives a notice that the message has been delayed or disrupted by technical failure or defect, and the failure or defect is not within the control of the receiving party (for example, a "full mailbox" is within a receiving party's control).

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- 3803.6 Pleadings, motions, and other documents shall be served on the other party or parties prior to or at the same time as they are filed with the Commission.
- 3803.7 Every pleading, motion, and other document filed with the Commission shall include a signed statement that it was served as required, which shall be captioned as a “certificate of service” and show the date, name of the person(s) served, address at which service was made, and the manner of service, and:
- (a) If service is made by a process server, proof of service shall be in an affidavit showing the date, the person served, address at which service was made, the manner of service, and the name and address of the process server; or
 - (b) If service is made by email attachment, proof of service shall show the date and time of service, the email address of the person served, the name of the person serving, and the email address used to send the attachment.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1339 (March 7, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).