

GENERAL ORDER CONCERNING RECENT FEDERAL MORATORIUMS ON EVICTIONS

Effective August 18, 2021

The federal government recently extended moratoriums on certain evictions relating to residential tenants through October 3, 2021 and certain mortgage foreclosures through September 30, 2021. To ensure that evictions pursuant to writs of restitution issued by the Superior Court do not occur in violation of these moratoriums, the Court implements the following procedures, which will remain in place for the duration of these moratoriums.

Residential evictions

If a defendant in an eviction case involving nonpayment of rent for a residential property provides to the landlord, owner, or other person with a right to pursue eviction or a possessory action a declaration that meets the requirements imposed by the U.S. Centers for Disease and Control (“CDC”) in its order temporarily halting certain evictions, the plaintiff should not schedule an eviction before October 3, 2021 (which is a Sunday), or if the plaintiff previously scheduled an eviction before October 3, 2021, the plaintiff should promptly reschedule the eviction to a date after October 3.

If a plaintiff intends to proceed before October 3, 2021 with an eviction that a defendant believes is subject to the temporary halt on evictions imposed by the CDC, the defendant may file and serve a motion or application to quash the writ of restitution, and the Court will hold a timely hearing. The Court will not stay or quash execution of a writ issued in such cases unless the defendant files such a motion or application.

Foreclosure-related evictions

Plaintiffs should not schedule evictions on or before September 30, 2021 in any case subject to a federal moratorium on foreclosure-related evictions.

Although the clerk’s office cannot positively identify all pending cases subject to such a moratorium, the clerk’s office will attempt to identify, based on the complaint, whether the defendant in any case with an outstanding writ or judgment for possession is a foreclosed homeowner. The clerk’s office will notify the U.S. Marshals Service (“USMS”) that, unless the Court has issued an order authorizing an eviction on or before September 30, 2021, the writ should not be executed in these cases on or before September 30, 2021. The clerk’s office will notify USMS if and when the Court has issued an order authorizing an eviction in such a case on or before September 30, 2021.

If the plaintiff in such a case believes that the eviction is not subject to a federal moratorium and wants to schedule an eviction on or before September 30, 2021, the plaintiff must file and serve a motion demonstrating that the eviction is not subject to a federal moratorium, and the Court will hold a timely hearing. If the Court grants the motion, the Court will notify USMS that an outstanding writ of restitution may be executed on or before September

30, 2021, or will issue a writ of restitution and notify the U.S. Marshals Service that it may be executed on or before September 30, 2021.

If a plaintiff in such a case has scheduled an eviction on or before September 30, 2021 that a defendant believes is subject to a federal moratorium, the defendant may file and serve a motion or application to quash the writ of restitution, and the Court will hold a timely hearing.

This General Order shall remain in effect unless and until it is rescinded or modified by the Presiding Judge of the Civil Division.

Anthony C Epstein

Anthony C. Epstein
Presiding Judge
Civil Division
Superior Court of the District of Columbia