

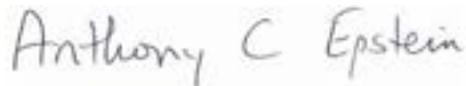
**GENERAL ORDER CONCERNING ADMINISTRATIVE SUSPENSION
OF EVICTIONS**

Effective January 18, 2022

On January 11, 2022, Mayor Muriel Bowser issued Mayor's Order 2022-008 declaring a public health emergency until January 26, 2022. The Order declares a "limited" public health emergency and states that it is "not intended to authorize any other extensions, forbearances, powers, or actions as the scope of this public health emergency relates to the provision of medical or mortuary services." In the Order, the Mayor states that one of the statutes under which she is exercising her authority is D.C. Code § 7-2304.01. As amended by temporary legislation, D.C. Code § 2-3505.01(k)(3) prohibits evictions "during a period of time for which the Mayor has declared a public health emergency pursuant to § 7-2304.01," except for evictions arising from those complaints filed pursuant to the exceptions in § 16-1501(c)(1). The exceptions in D.C. Code § 16-1501(c)(1) include cases in which the plaintiff alleged (1) the tenant presents a current, substantial public safety threat based on engaging in specified criminal conduct, (2) the tenant has willfully or wantonly caused significant property damage, or (3) the tenant did not pay rent, the case was filed on or after October 12, 2021, and the landlord meets specified filing requirements.

Parties in pending cases have disputed whether the Mayor's recent declaration of a public health emergency triggers the moratorium on evictions in § 42-3505.01(k)(3). Any practical effect of the Mayor's declaration on evictions is limited because only six evictions were scheduled from the date of this order through January 26, and in one of the two cases involving a commercial lease, the Court previously determined that the statutory moratorium does not apply. At a hearing today in a case with a residential eviction scheduled tomorrow, the Court heard argument from the parties about the effect of the Mayor's declaration, and based on the plain language of the statute, it granted the defendant's application to quash the writ. Moreover, an eviction is more likely to cause irreparable harm, and greater irreparable harm, to a residential tenant than a relatively brief postponement of an eviction is likely to cause a landlord. Considering all the circumstances, and consistent with today's ruling, the Court administratively suspends evictions through January 26, 2022, unless the Court has made a determination that the statutory moratorium does not apply. The Court will ask the U.S. Marshals Service to reschedule as soon as possible evictions postponed pursuant to this general order.

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
Presiding Judge
Civil Division
Superior Court of the District of Columbia