



Judgments, Writs, and Evictions

Information for Landlords

This information sheet describes judgments and the process for conducting evictions in Landlord and Tenant Court. This information sheet is written for landlords. If you are a tenant, you may want to look at the information sheet titled “Judgments, Writs, and Stopping Evictions: Information for Tenants.” There is information at the end of this sheet on where to find legal help.

■ **What is a judgment for possession?** A *judgment for possession* means you have the legal right to evict your tenant from the place the tenant is renting from you.

■ **How can I get a judgment for possession against my tenant in Landlord and Tenant Court?** To get a judgment for possession, you must sue your tenant by filing a Complaint for Possession of Real Estate in the Landlord and Tenant Clerk’s Office. If you win the case, you will get a judgment for possession. You can get detailed instructions for filing a complaint from the Landlord and Tenant Clerk’s Office in room 110 or by visiting the Landlord Tenant Resource Center in room 115. You could win the case at a hearing, such as initial hearing or trial, when both you and the tenant are present, if the judge agrees with you. You also might win the case by default and get a default judgment if your tenant misses a hearing.

■ **I received a judgment for possession. What should I do next?** If you received a judgment for possession and your tenant still has not left the rental unit, you will need to ask the clerk to approve a writ of restitution. A *writ of restitution* directs the U.S. Marshals Service to schedule your tenant’s eviction. Legal evictions must be supervised by the U.S. Marshals Service. You can get an information sheet with details about evictions from the Landlord and Tenant Clerk’s Office in room 110 or by visiting the Landlord Tenant Resource Center in room 115.

■ **If I get a writ of restitution approved, how much time does it take before the eviction is scheduled?** It is impossible to know exactly how much time it will take. After a judgment for possession is entered, you must wait two days before filing the writ. The writ becomes “live” or active three days after it is filed. Writs last for 75 days, so the eviction can be scheduled within that period.

■ **After a judgment is entered, can the tenant stop the eviction by paying me everything that is owed?** If the only reason you sued the tenant is because you are owed rent, then the tenant usually can stop the eviction by paying you everything that is owed. This includes all of the rent, the late charges approved by the judge, and court costs. If a writ of restitution has been filed, the tenant also is required to pay the writ fee. The tenant must pay any rent and late fees that have become due since the case started. It does not matter that this money was not in the original complaint.

The tenant usually cannot stop the eviction by paying the money owed if the tenant already signed an agreement to: 1) give you a nonredeemable judgment for possession, 2) waive the right of redemption, or 3) move out of the property. If your case against the tenant is not about unpaid rent, then the tenant usually cannot stop the eviction by paying all of the money owed. For example, if you sued your tenant because the tenant had a dog when the lease forbids it, then the tenant would not be able to stop the eviction by paying all of the rent.

It is a good idea to talk to a lawyer if you do not know whether the judgment you have is redeemable.

■ **What if my tenant attempts to get a stay of the writ of restitution?** A *stay* puts a judgment on hold. Your tenant cannot be evicted while there is a stay. To get a stay, your tenant usually needs to file an Application for Stay of Execution of Writ of Restitution.

Help Yourself

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The Application for Stay usually states the reasons your tenant thinks the eviction should be put on hold, such as:

- The tenant is filing a Motion to Vacate Default Judgment.
- The tenant is filing a Motion for Reconsideration or an Appeal.
- The tenant has paid you all of the money owed in a case about unpaid rent.
- The tenant will pay you all of the money owed, or someone else is going to pay for the tenant.
- You agreed not to evict the tenant.

The Landlord and Tenant Clerk's Office or the tenant's attorney will make an attempt to contact you, usually by telephone, when the tenant is filing an Application for Stay. It is possible the judge will hear from the tenant about why a stay should be given without you present. If this happens, the judge usually schedules another hearing so you can come to court to explain why you think the tenant should not get a stay.

■ **What is a money judgment?** A *money judgment* is an order from a judge instructing the tenant to pay the landlord a certain amount of money. A tenant also can get a money judgment against the landlord if the tenant wins a counterclaim to get back rent the tenant already has paid. In the Landlord and Tenant Court, money judgments can only be for unpaid rent, late fees, and court costs. The person who wins the judgment can collect money from the person who loses the case by requiring that money be taken out of the other party's paychecks or bank accounts to pay the judgment. The person who wins the judgment can put a lien on any real estate the other party owns.

■ What if the tenant can't afford to pay the money judgment?

In some cases, a person's income is so low the law does not allow for money to be taken to pay a judgment. In other cases, a person's source of income is protected by law. For example, if the person's only income comes from certain kinds of pension plans or public benefits, such as TANF (welfare) or Supplemental Security Income (SSI), then money from those benefits cannot be taken from the person's bank account to pay the money judgment. The judgment does not go away, but the person has the legal right to keep his or her money to pay for the necessities of life instead of paying the judgment.

You can get a complete list of the types of protected income from the Landlord Tenant Resource Center. If there is a money judgment against you, you must act quickly to protect your income. If your income should be protected, you can file a motion with the court to stop your wages or bank accounts from being garnished.

■ **I can't afford the filing fees. What can I do?** If court filing fees will be a hardship for you, you can file an Application to Proceed Without Prepayment of Costs or Fees. You will appear in front of a judge who will decide whether to grant your request. If the request is granted, you will be able to file papers with the court without paying the filing fees.

Finding Legal Help

Visit www.LawHelp.org/DC for more information, including how to contact free legal services providers, or visit the Landlord Tenant Resource Center:

Landlord Tenant Resource Center
Superior Court of the District of Columbia
510 4th Street NW
Building B, Room 115
Washington, DC 20001

Telephone: 202-508-1710

Open 9:15 a.m. to noon, Monday through Friday,
except legal holidays

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