

Judgments, Writs, and Stopping Evictions

Information for Tenants

This information sheet describes judgments and the process for stopping evictions in Landlord and Tenant Court. This information sheet is written for tenants. If you are a landlord, you may want to look at the information sheet titled “Judgments, Writs, and Evictions: Information for Landlords.” 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 your landlord has the legal right to evict you.

■ **What is a writ of restitution?** If you have received a writ of restitution, your landlord has a judgment for possession and you can be evicted. The *writ of restitution* tells the U.S. Marshals Service to schedule your eviction.

■ **How can my landlord get a judgment for possession against me in Landlord and Tenant Court?** To get a judgment for possession, your landlord must sue you by filing a Complaint for Possession of Real Estate in Landlord and Tenant Court. If your landlord wins the case, your landlord will get a judgment for possession.

Your landlord could win the case at a hearing, such as the initial hearing or trial, or by getting a default judgment if you miss a court hearing.

■ **I missed my court date and a judgment is entered. What should I do?** Act quickly. Call the Landlord and Tenant Clerk’s Office at 202-879-4879, between 8:30 a.m. and 5 p.m., to find out if you are on the eviction list. If you are, go to court immediately and ask for a stay. A *stay* puts the judgment on hold temporarily until the judge can decide whether to remove the judgment from your case. (See below: “How do I get a stay of the writ of restitution?”)

To have the judgment removed from your case, you need to file a Motion to Vacate Default Judgment with an Answer.

- A *Motion to Vacate Default Judgment* explains why you missed your court hearing.
- An *Answer* explains the legal reasons you should win the case

Unless you have a stay, you can be evicted even if you file a Motion to Vacate Default Judgment.

■ **There is a judgment against me, but I think the judge made a mistake. What can I do?** If the judge gave your landlord a judgment at your initial hearing, trial, or motion hearing, there usually are two things you can do if you think the judge has made a mistake:

- File a *Motion for Reconsideration* and ask the judge to change his or her decision.
- File an *Appeal* and ask the District of Columbia Court of Appeals to decide whether the judge followed the law.

Unless you have a stay, you can be evicted even if you file a Motion for Reconsideration or an Appeal. (See below: “How do I get a stay of the writ of restitution?”)

Motions for Reconsideration must be filed within 10 business days after the judgment. Appeals must be filed within 30 calendar days after the judgment.

■ **How much time do I have until I am evicted?** After a judgment for possession is entered, your landlord must file a writ of restitution to evict you. Your landlord must wait two days after the judgment is entered to file the writ. The writ becomes “live” or active three days after it is filed. Writs last for 75 days, so you can be evicted within that period.

■ **How do I know if I am on the eviction list?** Check with the Landlord and Tenant Clerk’s Office to see if a writ of restitution has been filed. You should receive a copy of the writ of restitution in the mail. If you receive a writ, call the Landlord and Tenant Clerk’s Office every day at 202-879-4879, between 8:30 a.m. and 5 p.m., to find out if you are on the eviction list for the next day.

Help Yourself Judgments, Writs, and Evictions

■ **After a judgment is entered, can I stop the eviction by paying the landlord everything I owe?** If the only reason your landlord sued you is because you owe rent, you usually can stop the eviction by paying your landlord everything you owe. You must pay all of the rent, the late charges approved by the judge, and court costs, including the writ fee if a writ of restitution has been filed. You must pay any rent and late fees that have become due since the case started even if this money was not in the original complaint. You must pay with cash, money order, or certified check. Make sure you get a receipt that clearly states “Paid in Full” with “\$0 Balance.” You usually cannot stop the eviction by paying the money you owe the landlord if there is a nonredeemable judgment for possession, or you agreed to: 1) waive the right of redemption, or 2) move out. If the case against you is not about unpaid rent, then you usually cannot stop the eviction by paying all of the money you owe. For example, if you were sued because you had a dog when the lease forbids it, then you would not be able to stop the eviction by paying the rent.

■ **How do I get a stay of the writ of restitution?** A stay puts a judgment on hold. You cannot be evicted while you have a stay. To get a stay, you must file an Application for Stay of Execution of Writ of Restitution. Your Application for Stay must be filed with the Clerk’s Office in room 110 before noon on the day you want to see the judge.

The Application for Stay must include the reasons you should not be evicted, such as:

- You are filing a Motion to Vacate Default Judgment, Motion for Reconsideration, or an Appeal.
- You have paid or can pay the landlord all of the money you owe.
- The landlord agreed not to evict you.

■ **What is a money judgment?** A *money judgment* is an order from a judge directing 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. In Landlord and Tenant Court, money judgments can only be for back rent, late fees, and court costs. The person who wins the judgment can collect money from the person who lost 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 I 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 out to pay a judgment. Also, if the person’s only income comes from sources such as TANF (welfare) or Supplemental Security Income (SSI), money from those benefits cannot be taken to pay the judgment.

You can get a list of the types of protected income from the Landlord Tenant Resource Center. If your income is protected, you can file a motion with the court to stop your wages or bank accounts from being garnished.

■ **What are the filing fees? What if I can’t afford them?** Filing fees (unless waived by the court) must be paid with cash, money order, or certified check:

- Application for Stay of Execution of Writ of Restitution: No charge
- Motion to Vacate Default Judgment: \$10
- Answer: No charge, unless requesting jury trial (\$75) or counterclaim (\$10)
- Motion for Reconsideration: \$10
- Appeal: \$100

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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