

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 called "Judgments, Writs, and Stopping Evictions: Information for Tenants." There is information at the end of this information sheet about where to find legal help.

What is a "judgment for possession?"

A "judgment for possession" means you won your case against the tenant and can file paperwork to start the eviction process which must be overseen by the U.S. Marshals Service.

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 208.

You could win the case at a hearing when both you and the tenant are there, such as the initial hearing or trial, if the Judge agrees with you. You might also win the case by "default" and get a "default judgment" if your tenant misses a hearing.

I received a judgment for possession. What do I do next?

If you have 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 tells the U.S. Marshals Service to schedule your tenant's eviction. Legal evictions must be supervised by the U.S. Marshals Service.

After the writ is filed, The U.S. Marshals Service will schedule an eviction date. You can contact the U.S. Marshals Service at 202-616-8633. The U.S. Marshals Service will notify the tenant of the eviction date, but

you are also required to send the tenant a notice of the date the eviction is scheduled at least 21 days in advance. This notice must be sent by U.S. mail and by at least one form of electronic communication, and also posted on the door to the premises. There are several specific requirements for what you must include in this notice. You can get more information about it at the Landlord Tenant Resource Center in Room 208.

If I get a writ of restitution approved, how much time is there before the eviction is scheduled?

The U.S. Marshals Service schedules and oversees the eviction. It is impossible to know exactly how much time it will take. After a judgment for possession is entered you must wait 2 days after the judgment is entered to file the writ. The writ will become "live" or active 3 days after it is filed meaning the soonest the eviction could be scheduled is 3 days after you file it. Writs last for 75 days, so the eviction can be scheduled anytime within that period.

After there is a judgment, 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 can usually stop the eviction by paying you everything that is owed. This includes all of the rent, and Court costs. Note that late fees are not permitted to be part of the payment necessary to avoid eviction. If a writ of restitution has been filed, the tenant also is required to pay the writ fee. The tenant must pay any new rent that has come due since the case began. 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 you got a non-redeemable judgment. These judgments might be entered based on a written agreement wherein the tenant agreed to: 1) give you a “non-redeemable 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 or not.

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.”

The Application for Stay usually states the reasons why 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 that is owed in a case about unpaid rent;
- You failed to properly provide the notice to the tenant of the scheduled eviction date at least 21 days in advance;
- The tenant will pay you all of the money that is owed or someone else is going to pay for the tenant; or
- You agreed not to evict the tenant.

The 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 will usually schedule another hearing so that you can come to Court to explain why you think the tenant should not get a stay.

What happens on the date of the eviction?

The U.S. Marshals Service will arrive and supervise the changing of the locks to the unit. You must arrange to have a locksmith present to change the locks. If the

tenant has left any personal property in the unit, you must leave that property in the unit for at least seven days, not including Sundays or federal holidays. During that time, you must give the tenant access to the unit for at least 16 hours over a period of two days, between 8:00 am and 6:00 pm. If the tenant asks to have access to the unit on a Saturday, you must arrange to make it available then. The law requires that you post a notice to the tenant at the time of the eviction to inform them of their rights. You can get more information about this notice at the Landlord Tenant Resource Center in Room 208.

After the seven-day period (not including Sundays or federal holidays) is over, any property left in the unit is deemed abandoned by the tenant. You can dispose of that property, but you are not permitted to leave it in a public place, such as the street.

What is a “money judgment?”

A money judgment is an order from a judge that the tenant must pay the landlord a certain amount of money. A tenant can also get a money judgment against a landlord if the tenant wins a counterclaim to get back rent the tenant already paid. In Landlord and Tenant Court, money judgments can only be for back rent 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 the tenant can’t afford to pay the money judgment?

In some cases, a person’s income is so low that the law does not allow the 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, like TANF (welfare) or Supplemental Security Income (SSI), then the 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 who has the judgment against them has the legal right to keep their money to pay for the necessities of life.

You can get a complete list of the types of income that are protected 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.

This document provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact a lawyer. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore the D.C. Bar Pro Bono Center does not guarantee the accuracy of this information.

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 service providers, or visit the Landlord Tenant Resource Center:

Landlord Tenant Resource Center, Room 208
District of Columbia Superior Court Building B
510 4th Street, N.W.

Open 9:15 AM – noon, Monday through Friday, except legal holidays.

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