

District of Columbia, Superior Court

Evictions Process

New process begins Aug. 13, 2018

The U.S. Marshals Service (USMS) is responsible for executing evictions (writs of restitution) issued by DC Superior Court judges, a responsibility unique to the USMS within the District of Columbia. In other jurisdictions, evictions are generally carried out by the local sheriff's office or other local law enforcement agency. Due to the sensitivity of the evictions process, the USMS Superior Court District is adopting significant changes to modernize its evictions procedures to ensure that evictions are carried out in a safe, compassionate, and professional manner while also efficiently carrying out the court's orders.

Important changes:

- Eviction notices to tenants will include the scheduled eviction date.
- Tenants will have a minimum of two weeks' notice of the eviction date.
- Tenants' personal property will no longer be removed and placed on public streets.

New process, starting Aug. 13, 2018 (scheduling starting July 9, 2018)

Filing

- Writs are filed in Landlord and Tenants Court (L&T).
- The L&T office then forwards the writ to the U.S. Marshals office for scheduling of the actual eviction.
- Issued writs have a life of 75 calendar days.

Scheduling of evictions

- Eviction notices will be sent via first class mail with the scheduled date of eviction and other relevant information. (Previously, evictions could occur any time within 75 day lifespan of the court order.)
- No evictions are scheduled on Saturdays, Sundays, holidays, or on judicial training days.

Tenant responsibilities

- Satisfy the judgement or vacate the premises before the date of the eviction in order to avoid eviction.
- Once the USMS arrives to execute the eviction, tenants must obey orders from the deputies and will have only a few minutes to collect valuables, medication, etc., before being asked to step out of the premises.

Landlord responsibilities

- Be available by phone or email to discuss the date of eviction with the USMS.
- Once the date arrives, the landlord will need to be able to gain access to the property and will need to change the locks while the USMS waits.
- Landlords will need to know the purge amount necessary to stop the eviction, if applicable.

Weather impacts

- The USMS will not complete the execution of the eviction when precipitation is falling or when the temperature is forecasted to fall below 32 degrees Fahrenheit within the next 24 hours.
- In such situations, the USMS will make contact with the tenants if they are present and discuss the anticipated delay for the eviction.
- The property will be prominently posted with a notice that an eviction is in progress and that the eviction will be completed on the next available execution date on which the temperature is not predicted to drop below freezing and on which precipitation is not falling.

For more information

Scheduling and Execution – U.S. Marshals Service

Email – DCevictions@usdoj.gov

Telephone – 202-616-8631

Court Process – DC Superior Court Landlord & Tenant Branch

Website – www.dccourts.gov/services/civil-matters/landlord-tenant

Live chat available on website

Telephone – 202-879-4879

Tenant Services – Office of the Tenant Advocate

Website – www.ota.dc.gov

Telephone – 202-719-6560

Process through Aug. 12, 2018

Filing

- Writs are filed in Landlord and Tenants Court (L&T).
- The L&T office then forwards the writ to the U.S. Marshals office for scheduling of the actual eviction.
- Issued writs have a life of 75 calendar days.

Scheduling of evictions

- Upon receipt of the writ by the U.S. Marshals Service (USMS), it is filed with other writs having addresses in that quadrant of the city and by the date received.
- Each weekday (Monday-Friday), a schedule of evictions is posted of addresses that are scheduled for execution in the L&T Court clerk's office.
- No evictions are scheduled on Saturdays, Sundays, holidays, or on judicial training days.
- Weather impacts
 - District of Columbia law and Superior Court rules prohibit the execution of evictions when a 50% or greater chance of precipitation is forecasted for the next 24 hours. Additionally, if the weather forecast calls for temperatures below 32 degrees Fahrenheit over the next 24 hours, evictions other than those designated as commercial property will be canceled.
 - Evictions that are canceled due to weather or actions of the USMS, and where the property owner is in no way at fault, are rescheduled for the next available scheduled eviction date, providing the writ does not expire.
 - When evictions are canceled due to weather and the writ expires due to no fault of the USMS, the landlord is required to re-file for an alias writ and a new filing fee is required.
 - Official weather determinations are made daily at 8 a.m., and are based on the National Weather Service forecast for Ronald Reagan National Airport.
- All writs identified as alias writs and those that are about to expire, are considered for priority scheduling.
- Scheduled times of evictions are subject to change at the discretion of the USMS.
- Evictions that are started will continue until all tenants and their property have been removed and the premises returned to the property owner. The exceptions to this rule are evictions that are canceled by the court or property management or locations where the tenant's property is so extensive that hours of darkness result before the eviction is completed. Continuing an eviction during hours of darkness could result in damage to property and/or injuries to the eviction crew. Such evictions are suspended and resume at 9 a.m. the following day.

- When scheduling a known walk-through eviction, the landlord is not required to have an eviction crew present. However, if any of the tenant's property remains inside the premises and insufficient crew or persons are present to remove it, the eviction will be canceled and the landlord is required to re-file the writ at their own expense.
- Deputy U.S. Marshals (DUSMs) are law enforcement officers. Their official duties at times may result in delayed arrival to scheduled evictions.

Posting the schedule of evictions

- The daily schedule of evictions is delivered to the L&T office in the afternoon on the business day prior to the date of execution.

Notifying landlords

- The landlord or their designated representative will be notified at least one business day in advance of the scheduling of their writ.
- If the Landlord is unwilling to agree to the first scheduled date, only two additional opportunities for scheduling their eviction will occur.

No-shows

- DUSMs will notify USMS Communications of their arrival to all evictions. If property management and the eviction crew are not present, the DUSMs will notify Communications of this and wait the allotted time (10 minutes) before canceling the eviction and proceeding to the next scheduled eviction.
- The landlord of the canceled writ will be required to re-file for a new writ at their own expense in these instances.

Landlord Responsibilities

Property owners are responsible for having the necessary means for accomplishing evictions. For example, tow trucks for removal of tenant's vehicles, a locksmith to gain entry into the premises, hand trucks for removal of heavy property, etc.

Residential Evictions

Landlords or their representatives are responsible for:

- Ensuring entry can be made in a reasonable time.
- **Hiring their own eviction crew in sufficient numbers. See below for minimum staffing requirements:**

| | |
|----------------------------|------------------|
| House | 25 people |
| 1 bedroom apartment | 10 people |
| 2 bedroom apartment | 15 people |
| 3 bedroom apartment | 20 people |

(These minimum numbers apply to those on site available to work. Persons present in only supervisory capacities do not count toward the required total).

- Being present during eviction.
- Ensuring the address being evicted reflects the exact address on the writ to include the apartment number or exact location. (This must be done before the arrival of the DUSMs. There can be no ambiguity about the premises to be evicted.)
- Providing an accurate contact number on the writ.
- Ensuring that there are sufficient quantities of plastic bags or boxes available to secure small items of tenant property.

Commercial Property Evictions

- All commercial evictions are required to be surveyed by the USMS prior to being executed. The USMS will contact property management to arrange for a DUSM to survey the property and inform them or their representative of the following:
 - The number of movers that are required.
 - The estimated hours required to complete the eviction.
 - Any other special equipment, personnel required or payment of any additional fees.
- If the property manager or representative is unable to meet the conditions required to safely execute the eviction, the writ will be canceled. Property management will have to re-file for a new writ and pay all applicable fees.
- If special circumstances exist, such as a known pet, hazardous conditions, controlled items, or unstable personalities, please advise the USMS representative when contacted to schedule the eviction.
- Food items, chemicals (to include perfumes, household cleansers, etc.), dirty dishes, items posing a danger to the immediate public, and items deemed as trash will not be removed from the property. Property owners must make arrangements after the eviction is completed for the disposal of items left in the premises. Food can be removed by the tenant provided they are present to take custody and their possession violates no known law or statute.

Fees

- In addition to the filing fee charged by the court, the USMS charges a fee for executing the writ.
 - A writ of restitution is executed by deputies in one hour or less and results in a charge of \$165.00 per hour or any fraction thereof.
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