

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

**Notice of Proposed Amendments to Superior Court
Rules of Procedure for the Landlord and Tenant Branch**

The Rules Committee of the Superior Court of the District of Columbia recently completed review of proposed amendments to Rules 3, 3-I, 3-II, 4, 6, 7, 10, 11, 13, 13-I, 14-I, 14-II, and 16 of the Superior Court Rules of Procedure for the Landlord and Tenant Branch. The Rules Committee will recommend to the Superior Court Board of Judges that the amendments be approved and adopted unless, after consideration of comments from the Bar and the general public, the proposed amendments are withdrawn or modified.

Written comments must be received by March 29, 2023. Comments may be emailed to Pedro.Briones@dccsystem.gov or may be mailed to:

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All comments submitted in response to this notice will be available to the public. New language is underlined, and deleted language is stricken through.

Rule 3. Commencement of Action

(c) LIMITATIONS ON CLAIMS.

(1) No owner or owner's agent may file a complaint for possession of real property for nonpayment of rent:

(A) in an amount less than \$600;

(B) without a valid rental registration or claim of exemption pursuant to D.C. Code § 42-3502.05 (2022); or

(C) without a current license for rental housing issued pursuant to D.C. Code § 47-2828(c)(1) (2022).

(2) Exceptions.

(A) Rule 3(c)(1) does not apply to complaints involving commercial property.

(B) Rules 3(c)(1)(B) and (C) do not apply to complaints involving subtenants or rental units exempt from license or registration requirements pursuant to D.C. Code § 42-3502.05 (2022).

(C) The court may waive the requirement reflected in Rule 3(c)(1)(C) in accordance with D.C. Code § 16-1501(c)(2) (2022).

(d) JUDGMENT BY DEFAULT. If the defendant fails to ~~participate~~ appear, the verification entitles the plaintiff to a judgment by default in accordance with Rule 14.

COMMENT TO 2023 AMENDMENTS

Section (c) has been amended to incorporate limitations in the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § 2(a), D.C. Law No. 24-115 (May 18, 2022), D.C. Code §§ 16-1501(b)-(c) (2022), on filing complaints in eviction cases. Former section (c) has been redesignated (d).

Rule 3-I. Properties Subject to Court-Ordered Receiverships

(b) RECEIVERS.

(1) *Receiverships Under D.C. Code §§ 34-2301 to -2306 or 42-3301 to -3307.*

(A) *Commencing an Action.* A receiver may file a complaint seeking to recover possession of real property that is the subject of a court-ordered receivership under D.C. Code §§ 34-2301 to -2306 or 42-3301 to-3307 (2012 Repl. & 2019 Repl.). The receiver as plaintiff must file, together with the complaint, a copy of the receivership order and either:

(i) a sworn statement signed by the owner reflecting the owner's consent to be joined as a party plaintiff; or

(ii) a motion for leave to join the owner as a party defendant under Civil Rule 19.

(B) *Service on Owner; Proof.* Notwithstanding Rule 13(c), the receiver must serve the complaint and any motion for joinder on the owner in any manner permitted by Civil Rule 4 at least ~~7-30~~ days, not counting Sundays and legal holidays, before the initial hearing. Proof of service must be by affidavit and must specifically state the person served and the manner and date of service. Proof of service must be filed at least ~~6~~21 days before the date set for the initial hearing.

COMMENT TO 2023 AMENDMENTS

Subsection (b)(1)(B) has been amended in response to the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § 2(b), D.C. Law No. 24-115 (May 18, 2022), D.C. Code § 16-1502(a) (2022), which requires that service of process on the owner be effected at least 30 days, not counting Sundays and legal holidays, before the initial hearing. Subsection (b)(1)(B) also has been amended to require that proof of service on the owner be filed at least 21 days before the initial hearing.

Rule 3-II. Joinder of Persons or Entities Needed for Just Adjudication

(b) PROCEDURES.

(2) *Court's Consideration of Motion.*

(A) *In General.* A motion for joinder must be considered by the court in accordance with the procedures set forth in Rules 13 and 13-I.

(B) *Requirements of Order.* Any order granting a motion for joinder must:

- (i) be in writing;
- (ii) be served on the existing parties to the action;
- (iii) set a deadline for service of process on the person or entity to be joined in accordance with Rule 3-II(b)(3);
- (iv) set a further hearing at which the joined defendant is to appear; and
- (v) direct the clerk to issue a summons to that person or entity.

(C) *Hearing.* The further hearing must be set as promptly as practicable but no sooner than ~~28~~30 days after the issuance of the order granting the motion for joinder.

(4) *Proof of Service.* Proof of service on the person or entity to be joined must be filed at least ~~6~~7 days before the date set for the further hearing.

COMMENT TO 2023 AMENDMENTS

Subsection (b)(2)(C) has been amended to require that there be at least 30 days between the issuance of the order granting joinder and the next hearing. Subsection (b)(4) has been amended to require that proof of service on the defendant to be joined be filed at least 7 days before the hearing at which the joined defendant is to appear.

Rule 4. Process

(a) HOW AND BY WHOM. Service of process must be made in compliance with D.C. Code § 16-1502 (20~~22~~~~12~~ Repl.) by any competent person not less than 18 years of age who is not a party to the suit. A separate copy of the summons and complaint must be provided for each defendant.

(b) PROOF OF SERVICE.

(1) *In General*. Proof of service of the summons and complaint must be made under oath and in the format set forth in L&T Form 3. A separate L&T Form 3 must be filed for each defendant.

(2) *Photographic Proof*. If a summons is served by posting and mailing, a photograph of the posted summons must be filed with proof of service. The photograph must have a readable timestamp that indicates the date and time when the summons was posted.

(3) *Time for Filing*. Proof of service must be filed at least ~~6~~21 days before the date set for the initial hearing.

(~~3~~4) *Motion for Extension*. Prior to the expiration of the foregoing time period, the plaintiff may make a motion to extend the time for service. The motion must set forth in detail the efforts that have been made, and will be made in the future, to obtain service. If the plaintiff shows good cause, the court must extend the time for an appropriate period.

(~~4~~5) *Dismissal*. The plaintiff's failure to comply with the requirements of this rule will result in the dismissal without prejudice of the complaint. The clerk will enter the dismissal and serve notice on all the parties.

COMMENT TO 2023 AMENDMENTS

New subsection (b)(2) has been added in response to the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § 2(b), D.C. Law No. 24-115 (May 18, 2022), D.C. Code § 16-1502(b)(2) (2022). Subsection (b)(3) (former subsection (b)(2)) has been amended consistent with the act's requirement of service of the complaint at least 30 days before the initial hearing. The remaining subsections have been redesignated accordingly.

Rule 6. Jury Demand

(a) MAKING A JURY DEMAND. Any party entitled to a jury trial may demand a trial by jury of any action by filing a jury demand, signed by the party or ~~his or her~~ the party's attorney of record. The demand must be filed not later than the date of the initial hearing, the date for the next hearing if the initial hearing is continued under Rule 11(b) for appearance stated in the summons, or by a ~~later~~ date set by the court for good cause, and must be accompanied by:

(1) the fee provided in Civil Rule 202, unless the court has authorized the party to proceed without payment or prepayment of costs; and

(2) a verified answer setting out the facts on which the defense is based, if the jury demand is made by the defendant.

(b) CERTIFYING CASE TO CIVIL ACTIONS BRANCH. If a jury trial is properly demanded, the clerk must certify the case to the Civil Actions Branch for an expedited trial.

COMMENT TO 2023 AMENDMENTS

Section (a) has been amended consistent with the amendment to Rule 11(b) to clarify when a jury demand must be filed.

Rule 7. Time of Sessions, Office Hours, and Trials

(c) INITIAL HEARING.

(1) *In General.* All cases must be set for an initial hearing.

(2) *Application for Continuance.*

(A) *Application.* A party may file an application requesting that the court continue the initial hearing date. Before requesting a continuance, the applicant must make a reasonable effort to notify the other party.

(B) *Hearing.* The court may either grant the continuance without a hearing or must hold a hearing on the application as soon as practicable on the day that the application is filed. The court may hold the hearing without the participation in the absence of the other party. But if the other party is neither physically present at the hearing nor available by video teleconferencing or telephone conferencing, i.e., remotely, the court may continue the initial hearing only for good cause and for a reasonable period of time.

(C) *Notice of New Date.* If the court continues the hearing when the other party does not participate in person or remotely is neither present at the hearing nor available by telephone, the clerk must mail provide notice of the new date to that party.

(d) NON-JURY TRIALS. Cases are set for trial by the court or by consent of the parties after consultation with the clerk about available trial dates.

COMMENT TO 2023 AMENDMENT

Subsections (c)(2)(B) and (C) have been amended to allow the court greater flexibility in granting continuances with or without a hearing, to specify when the court may hold or continue the initial hearing without a party's participation, and to permit a party to participate by video teleconferencing.

Rule 10. Discovery

(a) IN GENERAL. Except as provided in Rule 10(b) and (d), there is no discovery without leave of court.

(b) LEDGERS AND OTHER DOCUMENTARY EVIDENCE OF RENT PAYMENT HISTORY.

(1) *Plaintiff's Obligation to Bring to Court and Produce on Request.*

(A) *When Plaintiff Maintained a Rent Ledger.* In any case involving an allegation of nonpayment of rent, the plaintiff must bring to every court hearing, including the initial hearing and any mediation session, copies of all rent ledgers within the plaintiff's possession, custody, or control that tend to show the defendant's payment or nonpayment of rent owed throughout all periods of time in which the defendant's rental payments are alleged to be delinquent, i.e., back to the most recent point in time at which there was a zero balance. If during a remote hearing the defendant disputes the amount of rent due or requests a ledger, the plaintiff must provide a ledger to the defendant no later than 3 business days before the next hearing date. If mediation is conducted remotely, the plaintiff must provide a ledger to the defendant no later than 3 business days prior to the mediation date.

(B) *When Plaintiff Did not Maintain a Rent Ledger.* A plaintiff who has not maintained a rent ledger for the premises must bring to court or be prepared to send by electronic mail other materials, such as bank statements and rent receipts—“other materials”—, that establish the defendant's payment history for the time periods in dispute. If during a remote hearing the defendant disputes the amount of rent due or requests a ledger, the plaintiff must provide other materials to the defendant no later than 3 business days before the next hearing date. If mediation is conducted remotely, the plaintiff must provide other materials to the defendant no later than 3 business days prior to the mediation date.

(C) *Producing Ledgers and Other Materials.* On request of the defendant or the court, the plaintiff must promptly produce either paper or electronic copies of all ledgers and other materials the plaintiff has brought to court or submitted to the defendant pursuant to this rule.

COMMENT TO 2023 AMENDMENTS

Section (b) has been amended to create a process for implementing the requirements of the rule when a hearing or mediation takes place remotely. In particular, subsection (b)(1) has been amended to provide for electronic production of rent ledgers and other materials when one or more parties participate remotely in a hearing or mediation.

Rule 11. Proceedings by the Court

(a) BEGINNING OF SESSIONS. At the beginning of each session or each hour at which an initial hearing is scheduled, the court must provide an introductory description of the procedures and legal framework governing cases brought in this branch.

(b) CASES SCHEDULED FOR INITIAL HEARING.

(1) *In General*. The clerk must determine whether parties are present or absent in the cases scheduled for initial hearings. A plaintiff who seeks a money or non-redeemable judgment must notify the clerk when the case is called.

(2) Reservation of Rights. If an initial hearing is continued for any reason, the rights of all parties are automatically reserved until the next scheduled hearing.

~~(2)~~ *Entry of Default*. The clerk must enter a default against the defendant in any case scheduled for an initial hearing if:

(A) the plaintiff or the plaintiff's attorney is present;

(B) neither the defendant nor the defendant's representative is present;

(C) there is no question as to the validity of service on the defendant; ~~and~~

(D) the complaint alleges facts sufficient, if true, to entitle the plaintiff to possession of the premises; ~~and~~

(E) the court verifies that the complaint meets all requirements of D.C. Code § 16-1501 and § 42-3505.01 (2022).

~~(3)~~ *Dismissal*. The clerk must dismiss the case without prejudice for want of prosecution if the plaintiff fails to participate in ~~appear for~~ the initial hearing, either personally or through counsel.

~~(4)~~ *All Other Cases*. The clerk must present all other cases to the court, ~~including cases where the plaintiff seeks a money or non-redeemable judgment by default or where ex parte proof is otherwise required under Rule 14~~. At the initial hearing, the court must:

(A) ascertain the status of the case;

(B) explore the possibilities for early resolution through settlement or alternative dispute resolution techniques;

(C) determine a reasonable time frame for bringing the case to conclusion; and

(D) in cases involving self-represented defendants alleged to be in arrears in the payment of rent, specifically ask the defendant:

(i) whether the defendant failed to pay the rental amount alleged to be due by the plaintiff; and

(ii) if the rent has not been paid, the defendant's reasons for not paying it.

~~(5)~~ *Setting a Case for Trial*. If the case remains unresolved, the court must set a non-jury trial date, or in the case of a defendant wishing to request a jury trial under Rule 6, the court may continue the matter for 2 weeks for the filing of a verified answer, except for good cause. Nothing in this rule should be construed to limit the parties' ability to consent to further proceedings.

(7) Unless otherwise ordered by the court, mediation must be scheduled at least 10 days before the trial.

(c) PLAINTIFF'S FAILURE TO PARTICIPATE~~APPEAR~~. If, in any case, the plaintiff fails to participate~~appear~~ without prior notice, in a hearing other than an initial hearing, the court may dismiss the action without prejudice for want of prosecution or continue the case for further proceedings.

(d) CONTINUANCES BY AGREEMENT. On joint application of all parties, the clerk may continue any hearing other than a trial.

COMMENT TO 2023 AMENDMENTS

Subsection (b)(2) has been amended to clarify that parties' rights are automatically reserved if an initial hearing is continued. New subsection (b)(3)(E) requires that, in a case scheduled for an initial hearing, the court verify that the complaint meets applicable requirements before a default is entered against the defendant. Subsection (b)(5) (former subsection (b)(4)) has been amended to remove superfluous language. The remaining subsections have been redesignated accordingly. New subsection (b)(7) provides for scheduling pretrial mediation in advance of trial.

Rule 13. Motions

(a) IN GENERAL. Unless otherwise provided by the rules or ordered by the court, A a motion that depends on facts not in the record must be in writing and filed with the clerk. The motion must include ~~or be accompanied by a statement of points and authorities~~ setting out the facts on which the motion is based. The movant may provide or the court may require ~~affidavits~~ declarations or other forms of sworn testimony.

(b) TIMING AND NOTICE OF HEARING. Except as provided in Rule 13(e), on filing of a motion, the clerk must set a hearing and ~~must issue and mail~~ provide a notice of motion hearing.

(1) *Timing.* The clerk must set a motion, except a motion filed under Rule 4(b)(3), for a hearing not earlier than 14 days after the motion is filed.

(2) *Notice.* The notice of motion hearing must specify the date, time, and location of the hearing and explain any option for remote participation.

(c) SERVICE.

(1) *By Counsel.* A movant represented by counsel must serve the motion in accordance with Civil Rule 5.

(2) *By Self-Represented Person.* A self-represented person filing a motion must provide a copy of the motion for each of the other parties. The clerk must serve a copy of the motion on each of the other parties and must ~~note~~ enter the date and method of service on the docket.

(d) OPPOSITION.

(1) *In General.* Within 14 days after service of the motion or before the time set for any hearing, a party who opposes a motion may file an opposition ~~statement of opposing points and authorities~~. The court may extend the time for filing an opposition ~~statement of opposing points and authorities~~.

(2) *Attending Hearing.* If a hearing is set on the motion, a party who opposes the motion must participate in ~~attend~~ the hearing, either personally or through counsel.

(3) *Summary Judgment Motion Addressed in Civil Actions Branch.* A party who opposes a motion for summary judgment that will be decided by a judge in the Civil Actions Branch under Rule 13-I must file an written statement of opposing points and authorities ~~opposition~~ in accordance with Civil Rule 56.

(e) MOTIONS NOT AUTOMATICALLY SCHEDULED FOR HEARINGS.

(1) *Motion Addressed in Civil Actions Branch.* The clerk will not schedule a hearing for a motion that will be addressed by a judge in the Civil Actions Branch under Rule 13-I.

(2) *Motions to Alter or Amend or for Relief From a Ruling or Sanction.* Unless the court orders otherwise, the clerk will not schedule a hearing for a motion to alter or amend or for relief from a ruling or sanction. A motion to alter or amend or for relief from a ruling or sanction must, whenever practicable, be decided by the same judge who issued the ruling or sanction, and the motion must include that judge's name in the caption immediately below the case number.

(3) Motions to Dismiss. Unless the court orders otherwise, the clerk will not schedule a hearing on:

(A) a motion to dismiss by consent; or

(B) a motion to dismiss a case by the plaintiff if no counterclaim has been filed by the defendant.

(4) Motions to Continue a Hearing. Unless the court orders otherwise, the clerk will not schedule a hearing on a motion to continue a case that has been consented to by all parties.

(5) Request for Hearing. A party may request a hearing on a motion by stating at the bottom of the party's motion or opposition, above the party's signature, "Hearing Requested." If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(f) COURT ACTION.

(1) *In General.* Except as provided in Rule 13-I~~(e)~~(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) ~~an statement of opposing points and authorities opposition~~ has been filed or the time for filing under Rule 13(d)(1) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance.* For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13(d)(1) to expire.

(g) RETENTION; ASSIGNMENT BY THE PRESIDING JUDGE. A ~~judge or magistrate judge~~ judicial officer sitting in the Landlord and Tenant Branch may retain a particular motion for decision by notifying the parties and causing ~~an notation entry~~ to be made in the docket. The Presiding Judge may also assign any motion arising in the Landlord and Tenant Branch to a particular ~~judge or magistrate judge~~ judicial officer.

COMMENT TO 2023 AMENDMENTS

References to a statement of opposing points and authorities have been deleted consistent with the 2022 amendment to Civil Rule 12-I. The rule also has been amended to allow the court to permit parties to participate remotely, to be consistent with the court's new case management system, and to conform to the general restyling of the civil rules.

Rule 13-I. Motions in Cases Certified to Civil Actions Branch

(a) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON FILING OF A JURY DEMAND. The judge to whom a case has been ~~assigned-certified~~ for a jury trial under Rule 6 will determine the following motions in accordance with the Superior Court Rules of Civil Procedure, the general order, and any applicable calendar orders:

(b) MOTIONS TO BE DECIDED BY THE ASSIGNED JUDGE BASED ON A PARTY'S LACK OF CONSENT TO A MAGISTRATE JUDGE. The judge to whom a case has been certified due to a party's lack of consent to a magistrate judge will determine all motions filed in such case in accordance with the Superior Court Rules of Civil Procedure, the general order, and any applicable calendar order.

(c) PARTIES OPPOSING MOTIONS. Any party opposing a motion filed under Rule 13-I(a) or (b) may serve and file an ~~n-statement of opposing points and authorities~~ opposition within 14 days after service of the motion on the party or such further time as the assigned judge may grant.

(ed) REQUEST FOR HEARING. Any party may request a hearing on a motion filed under Rule 13-I(a) or (b) by stating at the bottom of the party's motion or opposition, above the party's signature, "Hearing Requested." If the court decides to hold a hearing on the motion, the court must give all parties appropriate notice of the hearing and may specify the matters to be addressed at the hearing.

(de) COURT ACTION.

(1) *In General*. Except as provided in Rule 13-I(~~de~~)(2), the court may not grant a motion to which the opposing party has not consented unless:

(A) an ~~n-statement of opposing points and authorities~~ opposition has been filed or the time for filing under Rule 13-I(b) has expired; and

(B) it appears from the motion, any accompanying exhibits and documents, any opposition, and any prior proceedings in the case that the movant is entitled to relief.

(2) *Application or Motion for Continuance*. For good cause, the court may grant an application or motion for continuance without waiting for the time period in Rule 13-I(b) to expire.

(ef) MOTIONS TO BE DECIDED IN THE LANDLORD AND TENANT BRANCH. Except as provided in Rule 13-I(a)(11) or as otherwise ordered by the court, the following motions will be heard and decided under the rules of the Landlord and Tenant Branch by a ~~judge or magistrate judge~~ judicial officer sitting in that branch:

(1) motions relating to a protective order;

(2) motions for an administrative stay of the proceedings;

(3) motions for a temporary restraining order or preliminary injunction;

(4) motions to enforce a settlement agreement or consent judgment, unless otherwise specified by the court in the agreement; and

(5) post-trial motions not concerning the conduct or outcome of the trial or an appeal of the judgment.

(fg) MOTIONS TO ALTER OR AMEND OR FOR RELIEF FROM RULINGS OR SANCTIONS ENTERED IN THE LANDLORD AND TENANT BRANCH. A motion to alter or amend or for relief from a ruling or sanction entered by a ~~judge or magistrate~~

~~judge~~ judicial officer sitting in the Landlord and Tenant Branch will be decided by that ~~judge or magistrate judge~~ judicial officer whenever practicable. The motion must include the ~~judge's or magistrate judge~~ judicial officer's name in the caption below the case number. A party opposing the motion may file an opposition statement of opposing points and authorities within 14 days after service of the motion or such further time as the court may allow. A hearing on the motion will not automatically be set, but a hearing may be requested or held in accordance with Rule 13(e)(~~3~~5).

(~~g~~h) ALL OTHER MOTIONS. Except as provided in Rule 13-I(a)(11) or Rule 13-I(b), all other motions will be heard and decided by the ~~judge or magistrate judge~~ judicial officer sitting in the Landlord and Tenant Branch under the rules of that branch, except that the Presiding Judge of the Civil Division has the discretion to certify any other motion not listed in Rule 13-I(a) to the assigned judge.

COMMENT TO 2023 AMENDMENTS

References to a statement of opposing points and authorities have been deleted consistent with the 2022 amendment to Civil Rule 12-I. Minor revisions also have been made to conform to the general restyling of the civil rules.

Rule 14-I. Dismissal for Failure to Prosecute

The clerk must dismiss the complaint without prejudice if, within 90 days after the entry of a default, the plaintiff fails to file a Civil Action Form 114 in compliance with the Servicemembers Civil Relief Act (50 U.S.C. §§ 3901-4043) or to request an opportunity to present ex parte proof, when it is required. The clerk must ~~mail~~provide written notice of the dismissal to all parties. This rule applies to any complaint or counterclaim on which a default has been entered.

COMMENT TO 2023 AMENDMENTS

The rule has been amended to be consistent with the court's new case management system.

Rule 14-II. Redemption of Tenancy

(c) JUDGMENT FOR POSSESSION; NOTICE TO DEFENDANT. ~~If the court makes a finding under Rule 14-II(a) or (b), then the clerk~~

(1) In General. In any case in which a redeemable judgment for possession is entered in favor of the plaintiff based on the defendant's nonpayment of rent, the plaintiff, unless the court rules otherwise, must file a notice to tenant of payment required to avoid eviction, in the manner prescribed in L&T Form 6, within 7 days from the date of entry of default or entry of judgment, whichever is earlier. ~~If the 7th day falls on a holiday, the time for filing is extended to the next business day., must provide the defendant with a completed L&T Form 6a or 6c, which must specify the amount of money that the defendant must pay to avoid eviction and advise the defendant that the amount will increase as additional rents become due and, if applicable, as the plaintiff incurs additional court costs.~~

(2) Stayed Judgments. If a judgment has been stayed in accordance with a consent judgment agreement or otherwise, the 7-day period for the filing of a notice to tenant of payment required to avoid eviction does not begin to run until the stay has been lifted.

(3) Copy to Defendant. The clerk must promptly provide to the defendant a copy of the notice to tenant of payment required to avoid eviction and must make an entry in the docket indicating the date and time that the notice was provided.

(d) ~~[Deleted]JUDGMENT FOR POSSESSION BY DEFAULT; NOTICE TO TENANT OF PAYMENT REQUIRED TO AVOID EVICTION.~~

~~—(1) In General.~~ In any case in which a default against a defendant has been entered under Rule 11 or a judgment for possession has been entered in favor of the plaintiff based on the defendant's nonpayment of rent and in which the court has not set the redemption amount on the record under Rule 14 II(a) or (b), the plaintiff, unless the court rules otherwise, must file a notice to tenant of payment required to avoid eviction, in the form prescribed in L&T Form 6, within 7 days after the date on which the default or judgment was entered. ~~If the 7th day falls on a holiday, the time for filing will be extended to the next business day.~~

~~—(2) Stayed Judgments.~~ If a judgment has been stayed in accordance with a consent judgment agreement or otherwise, the 7 day period for the filing of a notice to tenant of payment required to avoid eviction does not begin to run until the stay has been lifted.

~~—(3) Copy to Defendant.~~ The clerk must promptly mail to the defendant a copy of the notice to tenant of payment required to avoid eviction and must make an entry in the record indicating the date and time of mailing.

(e) LATE FILING OF NOTICE.

(1) *In General.* On application and after a hearing, the court may permit a plaintiff to file a notice to tenant of payment required to avoid eviction after the time for filing in Rule 14-II(d)(1) has expired, if the plaintiff shows excusable neglect or good cause.

(2) *Content of Application to Late File Notice.* A plaintiff who wishes to late file the notice to tenant of payment required to avoid eviction must file an application seeking leave of court and justifying a finding of excusable neglect or good cause. The plaintiff

must attach to the application a copy of the notice to tenant of payment required to avoid eviction.

(3) *Timing and Notice of Hearing.* On filing of the application, the clerk must set a hearing and ~~must issue and mail~~ [provide](#) a notice of hearing.

(A) *Timing.* The clerk must set the application for a hearing not earlier than 14 days after the application is filed.

(B) *Notice.* The notice of hearing must specify the date, time, and location of the hearing [and explain any option for remote participation](#).

(4) *Service.* A copy of the application must be served on the defendant as set forth in Rule 13(c).

(5) *Determination.* At the hearing, the judge must determine whether the plaintiff has established that the failure to timely file the notice was due to the plaintiff's excusable neglect or that there is otherwise good cause for permitting the plaintiff to late file the notice.

(f) CHALLENGING THE REDEMPTION AMOUNT.

(1) *Application to Reduce Payment Required to Avoid Eviction.* A defendant who wishes to challenge the redemption amount set forth in a notice to tenant of payment required to avoid eviction that has been filed by the plaintiff may file an application to reduce payment required to avoid eviction, in the form prescribed in L&T Form 7.

(2) *Timing and Notice of Hearing.* On filing of the application, the clerk must set a hearing and ~~must issue and mail~~ [provide](#) a notice of hearing.

(A) *Timing.* The clerk must set the application for a hearing not earlier than 14 days after the application is filed.

(B) *Notice.* The notice of hearing must specify the date, time, and location of the hearing [and explain any option for remote participation](#).

COMMENT TO 2023 AMENDMENTS

Section (c) has been amended to clarify the notice requirements to defendants where a judgment for possession or a default has been entered against the defendant. Former section (d) was deleted accordingly. The rule also has been amended to allow the court to permit parties to participate remotely. Finally, minor revisions have been made to be consistent with the court's new case management system.

Rule 16. Execution

(a) ISSUANCE OF THE WRIT.

(4) Business License. No writ of restitution may issue unless the plaintiff provides documentation that the plaintiff has a current business license for rental housing issued pursuant to D.C. Code § 47-2828(c)(1), unless the court has waived the license requirement under Rule 3(c)(2)(C) or the license requirement does not apply.

(5) Validity of the Writ. A writ of restitution is valid for a period of 75 days.

(b) MOTION FOR STAY OF EXECUTION.

(1) *In General*. A party may seek a stay of execution of a writ of restitution by either oral or written motion. The motion must include a statement that the adverse party has been notified and has been given an opportunity to participate in the hearing~~appear~~. Prior to a hearing on the motion, the court must inquire of the clerk's office, when the defendant is self-represented, or of counsel, when movant is represented by counsel, whether or not the adverse party has been notified of the movant's intent to participate in a hearing~~appear before the court~~ on a motion for stay.

(2) *Notice*.

(A) *By Counsel*. When the movant is represented by counsel, the movant's attorney must notify the adverse party of the date and time that the motion for stay will be presented before the court.

(B) *By Clerk's Office*. When the movant is not represented by counsel, the clerk's office must notify the adverse party on the movant's behalf.

(3) ~~Appearance~~ Participation by Adverse Party.

(A) *When the Writ is Not Executable*. If the clerk's office is notified that the adverse party intends to oppose the request for a stay or if the adverse party cannot be reached, the court must give the adverse party an opportunity to be heard if the writ of restitution is not capable of being executed.

(B) *When the Writ is Executable*. If the writ is capable of being executed, then the motion may be presented to the court, which may, in its discretion, impose a stay of execution no greater than 3 business days unless the adverse party consents to a longer stay, in order to give the adverse party an opportunity to participate in a hearing~~appear~~ before the court.

(4) *New Hearing Date*. If the court grants a stay of execution, the court must set a date for further hearing on the request. If the adverse party was absent for the motion for stay, the clerk's office must ~~notify~~ provide notice to the adverse party ~~by facsimile, mail, or telephone~~ of the hearing date set by the court.

COMMENT TO 2023 AMENDMENT

Subsection (a)(4) has been amended in response to the Eviction Record Sealing Authority and Fairness in Renting Amendment Act of 2022, § (3)(a), D.C. Law No. 24-115 (May 18, 2022), D.C. Code § 42-3505.01(q) (2022). Former subsection (a)(4)

has been redesignated (a)(5). Subsection (b)(4) has been amended to be consistent with the court's new case management system.
