

**GENERAL ORDER REGARDING
RESIDENTIAL MORTGAGE FORECLOSURE CASES
Issued July 2, 2020**

The District of Columbia has enacted emergency legislation prohibiting certain foreclosure-related activities during the period of the public health emergency and for 60 days after its conclusion (the “Covered Period”).¹ Currently, the declaration of a public health emergency has been extended by the Mayor to July 24, 2020, making the prohibitions of the emergency legislation effective through September 22, 2020. Among other limitations, the Act provides that no residential mortgage foreclosure may be “initiated or conducted” under D.C. Code § 42-815 or § 42-816. The prohibition is limited to owner-occupied (and in the case of deceased owners, heir- or beneficiary-occupied) properties as defined within the emergency legislation.²

In addition to the District’s emergency legislation, while the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act prohibitions against servicers of federally-backed mortgage loans from initiating the foreclosure process, moving for foreclosure judgment or order of sale, and executing a foreclosure sale during the federal moratorium period have expired,³ FHA, Fannie Mae, and Freddie Mac extended their own moratorium periods through August 31, 2020.

In consideration of the relevant legislation and regulations, to promote efficient administration of court operations, to provide clarity to litigants, and in the interests of justice, the Court issues this Order regarding the administration of mortgage foreclosure cases during the Covered Period. This Order applies to all residential mortgage foreclosure cases filed in the Superior Court that involve property that is owner-occupied (and in the case of deceased owners, heir- or beneficiary-occupied) as defined in the emergency legislation. Parties remain responsible for compliance with local and federal law.

Confirmation with filing of new cases. The D.C. emergency legislation prohibits a party from filing a new residential mortgage foreclosure case during the Covered Period if the property is owner occupied (and in the case of deceased owners, heir- or beneficiary-occupied) as defined in Section 408. A plaintiff may confirm in a complaint filed during the Covered

¹ See Coronavirus Support Congressional Review Emergency Amendment Act of 2020, Sec. 408, Act No. 23-0328.

² See *id.* § 408(a)(2) (“This subsection shall not apply to a residential property at which neither a record owner nor a person with an interest in the property as heir or beneficiary of a record owner, if deceased, has resided for at least 275 total days during the previous 12 months, as of the first day of the public health emergency.”).

³ See Section 4022 of the federal Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (2020).

Period the inapplicability of federal or local restrictions on the filing of new mortgage foreclosure cases, and regardless of whether it includes such confirmation in the complaint, it should be prepared to address the issue in the initial hearing, if the proscription remains applicable.

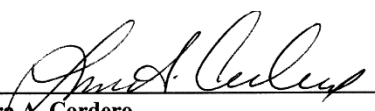
Continuance of Court Events on the Mediation Calendar. Unless and until the Court orders otherwise, all hearings, mediations, and other events scheduled before a Magistrate Judge on the Mediation Calendar are continued, with new dates to be scheduled by the Court as appropriate. Any party seeking a hearing may file a motion that includes confirmation that the property is not owner-occupied (and in the case of deceased owners, heir- or beneficiary-occupied) as defined in Section 408 of the D.C. emergency legislation, or that demonstrates that the hearing is not otherwise proscribed.

Court Events on the Judgment Calendar and Civil 2 Calendars. All hearings, mediations, and other events scheduled to occur before an Associate Judge either on the Judgment Calendar or any Civil 2 Calendar shall go forward, unless the Court orders otherwise.

Motions. During the Covered Period, the Court will reserve ruling on all motions in cases involving owner-occupied (and in the case of deceased owners, heir- or beneficiary-occupied) properties as defined within the emergency legislation, except for the following, which the Court will rule on when ripe and as appropriate:

- Motions to dismiss
- Motions to set aside default or vacate judgment
- Motions to substitute or withdraw counsel
- Motions to substitute party
- Motions for continuance
- Motions to ratify accounting
- Motions to intervene
- Motions to extend time or continue
- Motions accompanied with confirmation of non-owner or heir occupancy
- Motions where all parties have consented to the relief requested
- Other motions providing a basis for court action and stating with particularity why the requested action is not prohibited by section 408 of the D.C. emergency legislation or is not otherwise proscribed
- Motions to reconsider an order addressing any motion listed above

Issued on July 2, 2020, by order of the Presiding Judge of the Civil Division.



Laura A. Cordero
Presiding Judge, Civil Division