

## **Rule 14-II. Redemption of Tenancy**

### **(a) JUDGMENT FOR POSSESSION AFTER TRIAL.**

(1) *In General.* In any case in which the court, following a trial on the merits, has entered a judgment for possession in favor of the plaintiff based on the defendant's nonpayment of rent, the court must determine and, in the presence of the parties, state on the record the amount of money that the defendant must pay to the plaintiff, as of that time, to redeem the tenancy and avoid eviction.

(2) *Additional Rents and Court Costs.* The court must advise the parties that the amount of money that the defendant must pay to avoid eviction will increase as additional rents become due and, if applicable, as the plaintiff incurs additional court costs.

### **(b) JUDGMENT FOR POSSESSION BEFORE TRIAL.**

(1) *In General.* In any other case in which a judgment for possession is entered in favor of the plaintiff based on the defendant's nonpayment of rent, the court may, at any time at or after the entry of judgment, determine and, in the presence of the parties, state on the record the amount of money that the defendant must pay to the plaintiff, as of that time, to redeem the tenancy and avoid eviction.

(2) *Additional Rents and Court Costs.* The court must advise the parties that the amount of money that the defendant must pay to avoid eviction will increase as additional rents become due and, if applicable, as the plaintiff incurs additional court costs.

(c) **NOTICE TO DEFENDANT.** If the court makes a finding under Rule 14-II(a) or (b), then the clerk 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.

### **(d) 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 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.

(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 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.

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

(4) *Joint Hearing of Application to Reduce Payment Required to Avoid Eviction and Motion to Stay the Execution of a Writ of Restitution.* If the defendant also has filed a motion for a stay of execution of a writ of restitution under Rule 16(b), the defendant's application to reduce payment required to avoid eviction may be heard together with the motion for a stay of execution.

(g) AMENDING THE NOTICE TO TENANT OF PAYMENT REQUIRED TO AVOID EVICTION. A plaintiff who seeks to amend the redemption amount set forth in a notice to tenant of payment required to avoid eviction must file a motion under Rule 13.

(h) JUDGMENT PERMANENTLY STAYED AFTER REDEMPTION. As a matter of law, a judgment for possession entered in favor of the plaintiff based on the defendant's nonpayment of rent is stayed permanently in any case in which the defendant, prior to the completion of an eviction, has paid to the plaintiff the full amount of money necessary to redeem the tenancy and avoid eviction.

## COMMENT TO 2019 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. Provisions that address the scheduling and notice of hearings have been revised to accommodate electronic filing and service. D.C. Code § 42-3505.31(c)(4) (2019 Supp.) prohibits a housing provider from evicting a tenant for nonpayment of a late fee; accordingly, in a residential housing case, the redemption amount may not include late fees.