

PROCEDURES FOR EVICTIONS

The United States Marshals Service (USMS) is responsible for carrying out evictions in the District of Columbia to ensure that they are peaceful and comply with the law. In all evictions, the USMS will follow the procedures described in this brochure.

Writs of Restitution

All cases that a landlord brings to evict a tenant begin in the Landlord and Tenant Branch of the Superior Court of the District of Columbia. A landlord that prevails may ask the court to issue a writ of restitution. A writ of restitution is the legal document that permits a landlord to take possession of a rental unit from a tenant. The clerk's office in the court forwards each writ to the USMS for scheduling and completing the eviction. Once issued, a writ of restitution is valid for 75 days.

When a landlord applies for a writ, the landlord must provide a reliable contact telephone number to the USMS. The USMS also strongly recommends that the landlord provide an email address to ensure that the USMS can schedule the eviction. If the USMS cannot make contact with the landlord after three attempts to schedule the eviction, the USMS will return the writ to the court, and it will be cancelled.

Scheduling the Eviction

Shortly after it gets the writ, the USMS will schedule the eviction. The scheduled date will be at least 14 days from the date the USMS gets the writ, and no less than seven days from the date the writ would expire. The USMS schedules evictions only on Monday through Friday between 9 am and 4 pm. The USMS does not schedule evictions on Saturdays, Sundays, or holidays.

Once the eviction is scheduled, the USMS will make every effort to complete the eviction on that day. However, completion of evictions may be delayed for a variety of reasons. To protect tenants,

evictions will not be concluded when the temperature is forecasted to be below freezing or when it is precipitating. Other official duties of the USMS may also require a postponement or delay the arrival of Deputy U.S. Marshals at the property.

Notice to Landlords

The USMS will contact the landlord or designated representative (usually by telephone) to schedule a date. When the USMS calls to schedule the eviction, the landlord will be notified of the first available date. A landlord may request a date later than the first available date. However, if scheduling the eviction on a later date requested by the landlord results in the expiration of the writ due to weather or other delays, the USMS will not refund the fees paid by the landlord, and the landlord will have to obtain another writ.

Once an eviction has been scheduled, the USMS will not reschedule the eviction, because the tenant will have been sent notices of the original date. Changing the original scheduled date requires cancellation of the eviction, and a landlord must obtain a new writ in order to proceed with the eviction.

On the day before the scheduled date of the eviction, the USMS will contact the landlord and inform the landlord of the time slot when the eviction is scheduled. On that date and time, a landlord or representative must be present at the rental unit or the eviction will be cancelled. The USMS will not conclude an eviction if the landlord has not arranged for a person to be present to change the locks on the rental unit.

Deputy U.S. Marshals are law enforcement officers and their official duties may result in delayed arrival to scheduled evictions. If a deputy is not present on the scheduled date and time, the landlord or representative may call (202) 616-8622 for an estimated time of arrival.

Notice to Tenants

In order for tenants to ensure that they retain all of their property, all personal belongings MUST be removed prior to the scheduled eviction date.

Once the USMS schedules an eviction, the USMS will send a notification packet to the tenant(s) by first-class mail to the address on the writ. The packet will contain a copy of the court order, instructions from the USMS, and the date on which the eviction has been scheduled. The notice instructs the tenant(s) to remove all personal belongings **BEFORE** the scheduled eviction date. Do not wait for the deputies to arrive before preparing for the eviction. Once deputies arrive to carry out the eviction, **tenants will not have time to pack belongings** and will lose access to remaining property unless access is coordinated with the landlord. Unlawful re-entry following a completed eviction is a crime.

Completing the Eviction

On the date scheduled, deputies will arrive at the premises to carry out the eviction. When they arrive, the deputies will knock and announce their presence and tell the tenant that they are there for the eviction. They will then make entry and seize the premises in preparation for the turn over to the landlord in accordance with the writ. Before turning the premises over to the landlord, the deputies will ensure that no people remain on the premises and will perform a brief security sweep for dangerous items. Once the premises has been secured, the premises will be turned over to the landlord and the deputies will remain on site until the property can be secured by changing the locks.

The USMS no longer instructs or allows the landlord to remove a tenant's personal property and place it on the public street when the eviction occurs. The USMS is not involved in any removal of personal property before or after the eviction so tenants should

remove all property before the eviction date if possible.

Extended Evictions

If the USMS is unable to complete the eviction for any reason on the scheduled date, the deputies will post a notice on the property stating that an eviction is in progress and identifying the anticipated date of return and completion. The posting will typically be made on the outside of the front door. On the return date or as soon as possible thereafter, the USMS will return and complete the eviction.

Landlord's Responsibilities on the Scene

Landlords or their representatives are required to be present during the eviction and to be able to gain access to the property with keys or a locksmith. If the landlord is not present or cannot make entry within ten minutes of the scheduled time for the eviction, the USMS may cancel the eviction.

Landlords must also ensure that the address is accurately reflected on the premises. If there is any uncertainty about whether the premises is the place described in the writ, the USMS will cancel the eviction.

Commercial Evictions

The USMS will survey any commercial property before any commercial eviction occurs. The USMS will contact the landlord and tenant(s) to arrange for a survey of the property. The USMS conducts the survey to identify any special circumstances or problems that may affect execution of the writ. Examples of special circumstances may include the presence of hazardous materials, dangerous conditions, and security systems.

The USMS will no longer order commercial landlords to place property on the street, and landlords must dispose of such property in accordance with the law. Commercial evictions

may occur even if the weather would prohibit residential evictions.

Fees

In addition to the \$10.00 filing fee charged by the court, the USMS charges a fee for executing a writ of restitution. The total fee for a residential eviction is \$203.00, including an administrative charge of \$8.00. Additional charges may apply for commercial evictions.

If an eviction cannot be completed within 75 days due to weather or another factor outside the control of the USMS, the landlord must obtain a new writ, and the USMS will assess new fees.

Information

Landlord & Tenant Court 510 4th Street, NW.
Room 110
Phone: (202) 879-4879

United States Marshals Service 555 4th Street, NW.
11th Floor

Phone: (202) 616-8633
Email: DCevictions@usdoj.gov

**The Honorable United
States Marshal for the
Superior Court, District of Columbia 500
Indiana Avenue, N.W., Room C-600
Washington, DC 20001**

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Writs of Restitution (Evictions)

The United States Marshal for the Superior Court District of Columbia is responsible for serving process for the Superior Court for the District of Columbia.

This process includes Writs of Restitution that are issued for the recovery of real property by an eviction of tenants. The execution of this writ terminates all tenant rights in a premise.