

CIRCULAR



DISTRICT OF COLUMBIA

Topic

Landlord Self-help Evictions

Series / Number

CIR - 01 - 03

Effective Date

February 28, 2001

Distribution

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Replaces / Rescinds

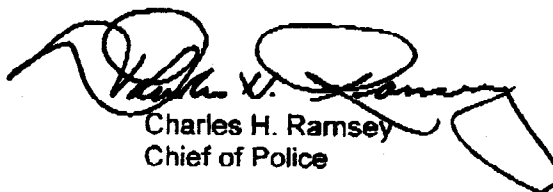
Circular 00-01 (Landlord Self-help Evictions)

It is becoming a common practice in the District of Columbia for landlords to take the law into their own hands and evict their tenants without the appropriate legal process. This type of eviction is known as a "self-help" eviction. In doing so, landlords have often called for service and sought the support from a Metropolitan Police Department officer to carry out such an eviction. This circular represents a continuation of existing policy, and should not be viewed as creating new policy.

The Metropolitan Police Department does not participate in self-help evictions. Self-help evictions are an illegal practice established by the case of Mendez v. Johnson, 389 A.2d 781 (D.C. 1978) and, in accordance with D.C. Code § 45-2551 (1981 ed.) "... No tenant shall be evicted from a rental unit, notwithstanding the expiration of the tenant's lease or rental agreement, so long as the tenant continues to pay the rent to which the housing provider is entitled for the rental unit..."

A landlord must have a proper court order to engage in an eviction. The landlord must file an action in Landlord and Tenant Court in order to recover possession of a rental unit. This assures that should an eviction take place, U.S. Marshals, who are the only entity empowered to effect an eviction, will execute the Writ of Restitution and deter possible conflict between the landlord and the tenant.

Therefore, in accordance with the above laws, officers are instructed that they are not to become involved in apparent landlord-tenant disputes. Rather, when called to the scene, the officers are instructed to maintain the peace and refer the parties to Landlord and Tenant Court, D.C. Superior Court, 500 Indiana Avenue, N.W., Washington, D.C.


Charles H. Ramsey
Chief of Police

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