



## Eviction Moratorium Amendment

On **Monday, May 3, 2021**, Mayor Bowser signed into law the “**Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021.**”

This legislation creates a narrow exception to the District’s eviction moratorium, which remains in place until the end of the Public Health Emergency (PHE). The new exception to the moratorium allows a housing provider to file an eviction action where a tenant's continuing presence at the building presents a *current and substantial threat to the health and safety of tenants or others through the unlawful possession of a firearm, threats or acts of violence, or assault.*

The law requires the court to apply definitions taken from the District’s criminal statutes for the terms (1) “acts of violence”; (2) “assault”; (3) “threat”; and (4) “unlawful possession of a firearm.” However -- unlike in criminal court where the elements of a crime must be proven beyond a reasonable doubt -- landlords will only need to prove these elements by a preponderance of the evidence.

For this category of cases, the Act requires that the Notice to Vacate include certain specific statements in addition to information typically required in a Notice to Vacate.

***Please note that housing providers are required to provide a copy of the Notice to Vacate not only to the Rent Administrator’s office, but also to the Office of the Tenant Advocate.*** In order to maximize the OTA’s efficient receipt and acknowledgement of the notice, housing providers should email a copy to the OTA’s special email address at [501b.ota@dc.gov](mailto:501b.ota@dc.gov). Other means of delivery can be found at <https://ota.dc.gov>.

***Please also remember that in cases not involving this narrow exception to the eviction moratorium, housing providers are still prohibited from serving the tenant with any Notice to Vacate during the PHE plus 60 days.*** Furthermore, once the PHE expires, a housing provider must give a tenant 21 days’ notice of the date of a scheduled eviction.

Tenants with questions or concerns regarding the “**Eviction Moratorium Public Safety Exception Emergency Amendment Act of 2021**” may contact the D.C. Office of the Tenant Advocate at 202-719-6560.

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