

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Request for Public Comment on the Initial Filing Fee for Landlord-Tenant Action

The Council of the District of Columbia recently passed the Fairness in Renting Temporary Amendment Act of 2020 together with emergency and congressional review emergency acts. *See* D.C. Acts 23-0497, 23-0499, 24-0003. Section 4 of the acts expresses the sense of the Council that the Superior Court should raise the filing fee for eviction cases from \$15 to \$100:

(a) In 2018, there were over 30,000 eviction filings in the Superior Court of the District of Columbia. These filings represent over 17,000 unique households in the District, most of which were concentrated in Wards 7 and 8.

(b) Just 10 housing providers were responsible for 40% of all eviction filings in the District, and around 50% of all filings in the District were for less than \$1,000 in rent owed.

(c) A vast majority of these filings did not result in a [judgment] against the tenant. The Superior Court has reported 1,600 executed evictions annually from 2014 through 2018.

(d) Even when an eviction filing does not result in a judgment against the tenant, the tenant may experience adverse effects associated with the eviction proceeding itself, and the presence of an eviction filing on their record.

(e) Currently, the filing fee for an eviction action in the Landlord-Tenant Branch of the Superior Court is only \$15. In most larger jurisdictions across the country, filing fees range from \$50 to nearly \$200. In Virginia, filing fees for eviction cases are anywhere from \$120 to nearly \$350.

(f) Emerging research is finding that filing fees can deter housing providers from filing frivolous cases in Superior Court. A recent study, published in *Housing Studies*, found that all else being equal, neighborhoods in states with higher eviction filings fees had fewer serial filings. (*Housing Studies*, Dan Immergluck, et al., (Vol. 35, 2020)).

(g) It is the sense of the Council that the Superior Court should raise filing fees for eviction cases to \$100 so that serial filers seeking small sums of money from their tenants are deterred from using eviction filings as a mechanism to collect rent from their tenants.

The Superior Court requests comments about whether it should raise the filing fee for eviction cases and make a corresponding change in Superior Court Rule of Civil Procedure 202(a)(1), which sets at \$15 the initial filing fee for a new landlord-tenant action. Commenters may address any relevant issue. The Superior Court would be interested in responses to the following questions:

1. What effect would an increase in the filing fee to \$100 have on the number of eviction cases filed in the Superior Court? D.C. Code § 16-1501 was amended to prohibit the filing of a complaint seeking restitution of possession for nonpayment of rent in an amount less

than \$600, although it permits an aggrieved person to file a complaint to recover the amount owed. What effect would an increase in the filing fee to \$100 have on the number of eviction cases filed involving nonpayment of \$600 or more in rent?

2. What are the filing fees for eviction cases in other jurisdictions in the Washington metropolitan area and around the country? How has the amount of the filing fee affected the filing of new cases in other jurisdictions?

3. Landlords may have a right to recover filing fees from tenants who have not paid all of the rent that they owe, and filing fees may be included in the amount that a tenant has to pay in order to avoid eviction if a landlord obtains a redeemable judgment for possession. What effect would an increase of the filing fee to \$100 have on tenants?

4. Why do most complaints for possession filed in the Superior Court not result in a judgment for possession against the tenant?

Written comments must be submitted by April 12, 2021. Comments may be emailed as a PDF file to Laura.Wait@dccsystem.gov or may be mailed to:

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All comments submitted in response to this notice will be available to the general public.