

**ARLINGTON COUNTY and CITY OF FALLS CHURCH GENERAL DISTRICT COURT  
FIRST AMENDED ORDER EXTENDING COVID-19 PRECAUTIONARY MEASURES  
ON WRIT OF EVICTIONS**

It appearing to the Court that on September 4, 2020, the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) Ordered a temporary eviction moratorium to prevent the further spread of COVID-19. The Court finds the following docket management is consistent with the Order from the CDC. It is, therefore, ORDERED:

**I. Pending Unlawful Detainer cases that have not been adjudicated by the Court**

All Unlawful Detainer proceedings currently pending for first return, trial, or other proceedings will proceed on the docket as scheduled.

**A. Pending Unlawful Detainers RELATED to a Failure to Pay Rent on Residential Property**

At any unlawful detainer proceeding RELATED to a failure to pay rent on residential property, the Defendant/Tenant may object to the entry of a Judgment for Possession by submitting a signed Declaration that complies with the Order from the CDC to temporarily halt the eviction. See attached Exhibit A, Declaration Under Penalty of Perjury for the Centers for Disease Control and Prevention's Temporary Halt in Evictions to Prevent Further Spread of COVID-19 (hereinafter, 'Tenant Declaration'). If a Defendant/Tenant fails to appear at the return date or trial date on a pending unlawful detainer action, the Plaintiff/Landlord may seek a judgment for possession and damages provided proper notice of the hearing was given to the Defendant/Tenant, Plaintiff/Landlord is, otherwise, entitled to the relief, and the Plaintiff/Landlord has not received a Tenant Declaration.

**B. Pending Unlawful Detainers UNRELATED to a Failure to Pay Rent on Residential Property, including Non-Residential Leases and Other Material Non-Compliance**

At any unlawful detainer proceeding UNRELATED to a failure to pay rent on residential property, Defendant/Tenant may not object to the entry of a Judgment for Possession based upon the CDC Order. Plaintiff/Landlord may seek a judgment for possession and damages provided proper notice of the hearing was given to the Defendant/Tenant and Plaintiff/Landlord is, otherwise, entitled to the relief.

**II. Judgment for Possession has been entered but a Writ of Eviction has not been issued by the Clerk**

A Writ of Eviction will not issue unless a Plaintiff/Landlord files a Certification with the Clerk at the time of seeking the Writ of Eviction and certifies that the CDC's Order halting

evictions is inapplicable. See attached Exhibit B, Certification that the CDC's Order Halting Evictions is Inapplicable (hereinafter, 'Writ Certification').

**A. Judgment for Possession RELATED to a Failure to Pay Rent on Residential Property**

During the effective period of the CDC Order, from September 4, 2020 through December 31, 2020, no Writ of Eviction will be accepted or issued by the Clerk on any Judgment for Possession RELATED to a failure to pay rent on residential property unless Plaintiff/Landlord files a Writ Certification. The Plaintiff/Landlord must Certify that:

- (1) Plaintiff/Landlord has not received a Tenant Declaration from Defendant(s)/Tenant(s); and
- (2) Plaintiff/Landlord will notify the Clerk and the Sheriff for the appropriate jurisdiction, either Arlington County or the City of Falls Church, that the Writ of Eviction shall be revoked if a Tenant Declaration is received by the Plaintiff/Landlord prior to the execution of any Writ of Eviction; and
- (3) A Plaintiff/Landlord violating the Department of Health and Human Services, Centers for Disease Control and Prevention Order that temporarily halts residential evictions to prevent the further spread of COVID-19 may be subject to criminal penalties of a fine and/or jail; and
- (4) A copy of the Writ Certification has been mailed or delivered to the last known address for Defendant(s)/Tenant(s).

The Clerk will not be required to determine which cases are covered properties under the CDC's Order and no Writ of Eviction will be issued by the Clerk unless Plaintiff/Landlord files a Writ Certification.

**B. Judgment for Possession UNRELATED to a Failure to Pay Rent on Residential Property, including Non-Residential Leases and Other Material Non-Compliance**

During the effective period of the CDC Order from September 4, 2020 through December 31, 2020, no Writ of Eviction will be accepted or issued by the Clerk on any Judgment for Possession UNRELATED to a failure to pay rent on residential property unless Plaintiff/Landlord files a Writ Certification. The Plaintiff/Landlord must Certify that the Writ of Eviction is UNRELATED to a failure to pay rent on residential property.

The Clerk will not be required to determine which cases are covered properties under the CDC's Order and no Writ of Eviction will be issued by the Clerk unless Plaintiff/Landlord files a Writ Certification.

III. All Writ of Eviction pending service and execution are revoked

All prior Writ of Evictions issued without a Writ Certification and that are pending service or execution by the Sheriff shall be revoked. The Sheriff will not be required to determine which cases are covered properties under the CDC's Order. Any Writ of Eviction revoked by this Order may be refiled by the Plaintiff/Landlord for the issuance of a new Writ of Eviction after the expiration of the CDC Order, currently, December 31, 2020 or by following the applicable procedure set forth in Paragraph II (A) or (B), above. Plaintiff/Landlord shall not be assessed filing fees upon the refiled of any canceled Writ of Eviction pursuant to this Order.

IV. Prior Orders. The Orders previously entered by this Court in relation to the Covid-19 emergency, to the extent not modified by this Order, shall remain in full force and effect.

September 10, 2020  
DATED

JSR  
Jason S. Rucker, Chief Judge  
Arlington County General District Court