

COVID-19 Emergency Orders Affecting Real Estate Washington, DC

Last updated July 31, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

May 5, 2020 – District of Columbia Council

- The DC Council passed an emergency bill that prohibits foreclosures of residential mortgages (and cannot be initiated) during the public health emergency and for 60 days after. This bill expires on August 25, 2020.

<http://ims.dccouncil.us/Legislation/B23-0743>

April 7, 2020 – District of Columbia Council

- The DC Council passed a consensus emergency bill, which was then supplemented by additional guidance provided by the Department of Insurance, Securities and Banking that, among other things, creates a mortgage deferral program for residential and commercial mortgages on real property located in Washington, DC. Entities making or servicing such a loan are subject to requirements which include creating a mortgage relief program that grants at least a 90-day deferment of mortgage payments and permanently waives any late fee, processing fee, or other fees accrued during the public health emergency for borrowers accepted under the program. In addition, such lender or servicer must not “report to a credit bureau any delinquency or other derogatory information that occurs as a result of the deferral.” Lenders or servicers must approve an application from a borrower who demonstrates evidence of “financial hardship resulting directly or indirectly from the public health emergency, including an existing delinquency or future ability to make payments;” and agrees to pay the deferred payments within a reasonable time agreed to by the borrower and the entity, or, if no reasonable time can be agreed, within the earlier of 5 years or the end of the original term of the mortgage loan. Loans made or serviced by Freddie Mac, Fannie Mae, and Ginnie Mae are excluded from the bill. Additionally, the program does not apply to certain properties for which a foreclosure action or right to accelerate the balance and maturity date of the loan has been exercised on or before March 11, 2020. This bill expired on July 9, 2020.

<http://ims.dccouncil.us/Legislation/B23-0733>

March 13, 2020 – DC Superior Court Coronavirus Advisory

- All evictions of tenants and foreclosed homeowners are suspended for the duration of the public health emergency.

<https://www.dccourts.gov/coronavirus>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

May 13, 2020 – District of Columbia Council

- The DC Council passed the Coronavirus Omnibus Emergency Amendment Act of 2020 that, among other things, requires providers to develop a rent payment plan for eligible residential and commercial tenants for the period of time for which the Mayor has declared a public health emergency and for one year thereafter. Eligibility is limited to tenants that (a) have notified the landlord of an inability to pay all or a portion of rent due as a result of the public health emergency; (b) are not currently received a rent reduction pursuant to §202 of the COVID-19 Response Supplemental Emergency Amendment Act of 2020; and (c) are not a franchise unless the franchise is owned by a District resident and operated in the District. The Act provides that during a period of time for which the Mayor has declared a public health emergency and for 60 days thereafter a person aggrieved shall not file a complaint seeking residential or commercial eviction relief. This Act clarifies that rent increases for commercial retail property shall be prohibited during a period for which a public health emergency has been declared and for 30 days thereafter. Under the Act, if a housing provider temporarily stops providing an amenity that a tenant pays for in addition to rent, then the housing provider shall refund to the tenant pro rata any fee charged to the tenant for the amenity during the public health emergency. The Act also requires that the owner or a representative of an owner of any housing accommodation containing multiple residential units not occupied by the owner to clean the common areas of the same on a regular basis during the public health emergency. The Mayor may promulgate rules to implement the section of the Act regarding residential accommodation cleaning requirements. This bill expires on August 11, 2020.

<http://lms.dccouncil.us/Legislation/B23-0750>

April 7, 2020 – District of Columbia Council

- Landlords receiving a mortgage deferral under the mortgage deferral program (see note in mortgage enforcement limitations above) above must notify qualified tenants of the same in writing and reduce rent charged to any qualified tenant proportionately to reduced mortgage rate, but may require a qualified tenant to repay the reduced rent, without interest, within 18 months of the period extending 60 days beyond the Mayor's declaration of a public health emergency or the end of the lease term, whichever is earlier. A qualified tenant is a tenant of a property receiving a mortgage deferral under the program who has notified the landlord of an inability to pay all or a portion of their rent as a result of the public health emergency. This bill expired on July 9, 2020.

<http://lms.dccouncil.us/Legislation/B23-0733>

NON-ESSENTIAL BUSINESS/TRAVEL RESTRICTIONS / STAY-AT-HOME ORDERS

Public Emergency and Public Health Emergency

July 22, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency and public health emergency through October 9, 2020.
<https://bit.ly/31jC4NF>

May 27, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency and public health emergency until July 24, 2020.
https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/MO2020-067.pdf

May 13, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency, public health emergency, and stay-at-home order until June 8.
https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayors-Order-2020-066-Extensions-of-Public-Emergency-and-Public-Health.pdf

April 16, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency and public health emergency until May 15.
<https://coronavirus.dc.gov/release/mayor-bowser-extends-public-health-emergency-stay-home-order-and-closure-non-essential>

March 20, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency and public health emergency until April 25.
<https://mayor.dc.gov/sites/default/files/u23/Mayor%60s%20%20Order%202020-50.pdf>

March 11, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended public emergency and public health emergency until March 26.
https://mayor.dc.gov/sites/default/files/dc/sites/mayormb/release_content/attachments/MO.-Declarationofpublicemergency03.11.20.pdf

Non-essential Travel Restrictions

July 24, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser issued an order requiring residents or persons arriving in the District after non-essential travel from certain COVID-19 high-risk areas to self-quarantine for 14 days following their arrival. The DC Department of Health has posted a current list of such high-risk areas at <https://coronavirus.dc.gov/release/coronavirus.dc.gov>. This list will be updated every two weeks. Essential travel includes travel related to provision of or access to Essential Activities (as defined in the Governor's March 30, 2020 Stay at Home Order) and Essential Government Functions, Essential Businesses, or Minimum Basic Operations (each as defined in the Mayor's March 24, 2020 Order prohibiting gatherings); travel to care for elderly, minors, dependents or other vulnerable persons; travel required to visit a house of worship; certain travel to or from educational institutions; travel to return to a place of residence from outside Washington, DC; travel required by law enforcement or court order; travel required by non-residents to return to their place of residence; and travel within the Washington region to engage in allowable activities under that jurisdiction's laws.

<https://coronavirus.dc.gov/page/mayor%E2%80%99s-order-2020-081-requirement-self-quarantine-after-non-essential-travel-during-covid-19>

Stay-at-Home Order

June 19, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser issued an order declaring that the District will enter Phase Two of reopening as of June 22, 2020. This order lifts certain restrictions on business activity in the District of Columbia in effect under Phase One of reopening.

<https://coronavirus.dc.gov/phasetwo>

May 27, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser issued an order declaring that the District is in Phase One of reopening. This order lifts the Stay-at-Home Order and establishes conditions under which certain nonessential businesses and services may operate during Phase One.

https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/MO2020-067.pdf

May 13, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser extended stay-at-home order until June 8.

https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/Mayors-Order-2020-066-Extensions-of-Public-Emergency-and-Public-Health.pdf

April 8, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser launched the District Economic Recovery Team (DERT) which will “proactively plan, strategize, and coordinate the economic recovery from the impacts of the coronavirus (COVID-19).”

<https://coronavirus.dc.gov/release/mayor-bowser-launches-district-economic-recovery-team>

March 30, 2020 – Office of the Mayor of the District of Columbia

- Mayor Bowser issued a Stay-at-Home Order that goes into effect April 1, 2020.

<https://dtap.ddot.dc.gov/Document/Mayor's%20Order%202020-054%20Stay%20at%20Home%20for%20DTAP.pdf>

March 24, 2020 – Office of the Mayor of the District of Columbia

- Gatherings of more than 10 people are prohibited and non-essential businesses are closed. Essential Businesses include professional services like legal and notary public services, but only when necessary to assist with legally mandated activities.

<https://bit.ly/3i9FqtG>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

District

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<https://www.dccourts.gov/coronavirus>

<https://www.dccourts.gov/court-of-appeals>

- The Civil Division of the Superior Court of the District of Columbia will not conduct jury or non-jury trials until further order. All evictions, foreclosure proceedings and debt collection proceedings are stayed to the extent required by statute.

<https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/Amended-Order-5-14-20.pdf>

- The District of Columbia Court of Appeals is no longer suspending or tolling filing deadlines. Except as specifically ordered otherwise in a particular case, effective May 31, 2020, parties will have 30 days to submit any filings due on or before May 31, 2020.

https://www.dccourts.gov/sites/default/files/2020-05/DCCA_Order_Re_Operations_During_Coronavirus_Emergency_5_21_2020.pdf

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=DC>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

May 13, 2020 – District of Columbia Council

- The DC Council passed the Coronavirus Omnibus Emergency Amendment Act of 2020 providing that during a period of time for which the Mayor has declared a public health emergency, the Mayor may authorize remote notarizations provided the same are in compliance with certain formalities, including notifying the Mayor of the intention to perform notarial acts using audio-video communication.

<http://lims.dccouncil.us/Legislation/B23-0750>
