

ADMINISTRATIVE ORDER 2021-07

RE: DISTRICT COURT EVICTION PROTOCOLS

REVISED ADMINISTRATIVE ORDER 2021-05 EFFECTIVE IMMEDIATELY

In an attempt to deal with the aftermath and repercussions resulting from the COVID-19 Pandemic and the current spike in the Delta variant, the Court will continue to maintain control of the Eviction Calendars and will schedule all hearings based upon availability and capacity limits. This order will remain in full force and effect until otherwise ordered by the Court.

Future Eviction Hearings

- The court will continue to assign eviction hearings to the next available hearing date and time based upon capacity limits.
- The clerk's office will continue to mail an Eviction Hearing Notice to all parties, upon receipt of the summons being returned "served".
- Hearings will be scheduled in one (1) hour time slots beginning at 9:00 am. The number of hearings being scheduled will be determined based upon capacity and safety protocols. This will continue to be reviewed and modified as safety protocols allow.

Executions

A. Issuance of Executions – No Motion Required

- The Court shall issue an execution for possession of the premises and back rent after the entry of judgment, upon request, without a motion being filed *provided:*

- The five (5) day appeal period has passed.
- No more than thirty (30) days have passed since the entry of judgment.
- Executions that have been stayed for a date certain may issue on the next day but no more than thirty (30) days after the date certain.
- **If an Execution issues in a case where a Declaration has been filed, a forty-eight (48) hour notice must be provided to the tenant before serving said Execution.**

B. Issuance of Execution - Motion Required

- A Motion for Issuance of an Execution shall be filed when:
 - A judgment has been entered by stipulation and the execution is stayed but the defendant has not complied with the conditions as written in the stipulation.
 - A request for possession of the premises where more than thirty (30) days have passed since the entry of judgment.
 - Any cases where a judgment was entered, and a Declaration was filed, but not upheld.
- Motions for Executions may address requests to adjust the amount of the original judgment.
- Hearings will be scheduled within a one (1) hour time slot beginning at 9:00 am. The number of hearings scheduled will be determined based upon capacity and safety protocols. This will continue to be reviewed and modified as safety protocol allows.
- Upon request, the Court may accelerate Motions for Execution presently assigned for a date after October 3, 2021, provided the Court can do so based upon availability and capacity limits. If a new date is given, the Court

will provide notice of the same, however, the Landlord must also provide “tack_on” notice of the new date, pursuant to Rule 4 of the Rhode Island District Court Rules of Civil Procedure.

Stays resulting from Prior Challenges on Declaration

- Any stay of execution resulting from a successful challenge to a Declaration shall remain in full force and effect until the expiration of said stay. Executions shall then issue upon request. No motion required.
- In cases where a challenge was not upheld, and execution was stayed per the moratorium, executions may issue upon request provided however motions must be filed in those cases where the judgement is more than 30 days old.
- There will be no further hearings for challenges on Declarations. Any timeslots presently assigned for hearings on Declarations may be available for a hearing on a Motion for Execution provided they are properly filed with timely notice to all parties, including “tack on” notice pursuant to Rule 4 of the Rhode Island District Court Rules of Civil Procedure.

Entered as an Order of this Court on this 31st day of August 2021.

Enter:

By Order:

/s/

/s/

Jeanne E. LaFazia
Chief Judge

Stephen Waluk
Administrator