

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 15.
JUDGMENTS AND EXECUTIONS; FEES AND
COSTS.

CHAPTER 5.
EXEMPTIONS AND TRIAL OF RIGHT TO SEIZED
PROPERTY.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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SEIZED PROPERTY.

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CHAPTER 5. EXEMPTIONS AND TRIAL OF RIGHT TO SEIZED PROPERTY.

SUBCHAPTER I. EXEMPTIONS.

§ 15-501. EXEMPT PROPERTY OF HOUSEHOLDER; PROPERTY IN TRANSITU; DEBT FOR WAGES.

(a) The following property of the head of a family or householder residing in the District of Columbia, or of a person who earns the major portion of his livelihood in the District of Columbia, being the head of a family or householder, regardless of his place of residence, is free and exempt from distraint, attachment, levy, or seizure and sale on execution or decree of any court in the District of Columbia:

- (1) the debtor's interest, not to exceed \$2,575 in value, in one motor vehicle;
- (2) the debtor's interest, not to exceed \$425 in value, in any particular item or \$8,625 in aggregate value in household furnishings, household goods, wearing apparel, appliances, books, animals, crops, or musical instruments, that are held primarily for the personal family or household use of the debtor or a dependent of the debtor;
- (3) the debtor's aggregate interest in any property, not to exceed \$850 in value, plus up to \$8,075 of any unused amount of the exemption provided under paragraph (14) of this subsection;
- (4) the debtor's aggregate interest, not to exceed \$1,625 in value, in any implements, professional books, or tools of the trade of the debtor or the trade of a dependent of the debtor (this exemption shall also apply to merchants);
- (5) any unmaturing life insurance contract owned by the debtor, other than a credit life insurance contract;
- (6) professionally prescribed health aids for the debtor or a dependent of the debtor;
- (7) the debtor's right to receive:
 - (A) a social security benefit;
 - (B) a veteran's benefit;
 - (C) a disability, illness, or unemployment benefit;
 - (D) alimony, support, or separate maintenance, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor; and
 - (E) a payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:
 - (i) the plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
 - (ii) the payment is on account of age or length of service; and
 - (iii) the plan or contract does not qualify under section 401(a) or 403(b) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*) ("1986 Code");
- (8) all family pictures; and all the family library, not exceeding \$400 in value;
- (9) notwithstanding subsection (b) of this section, money or other assets payable to a participant or beneficiary from, or an interest of a participant or beneficiary in, a retirement plan qualified under sections 401(a), 403(a), 403(b), 408, 408A, 414(d), or 414(e) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 *et seq.*) ("1986 Code"), or section 409 (as in effect prior to January 1984) of the Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 *et seq.*); provided, that:

(A) this paragraph shall not apply to:

(i) an alternate payee under a qualified domestic relations order, as defined in section 414(p) of the 1986 Code;

(ii) a retirement plan, qualified under section 401(a) of the 1986 Code, as a creditor of an individual retirement account qualified under section 408 of the 1986 Code; or

(iii) any claims by, or any indebtedness, liability, or obligation owed to, the District of Columbia;

(B) if a contribution to a retirement plan described in this paragraph exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution allowed under the applicable provisions of the 1986 Code, the portion of the contribution that exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution allowed, and any accrued earnings on such portion, are not exempt;

(10) the interest of an alternate payee in a plan described in paragraph (9) of this subsection;

(11) the debtor's right to receive property that is traceable to:

(A) an award under a crime victim's reparation law;

(B) a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(C) a payment under a life insurance contract that insured the life of an individual of whom the debtor was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(D) a payment, including pain and suffering or compensation for actual pecuniary loss, of the debtor or an individual of whom the debtor is a dependent; or

(E) a payment in compensation of loss of future earnings of the debtor or an individual of whom the debtor is or was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;

(12) provisions for 3 months support, whether provided or growing;

(13) the library, office furniture, and implements of a professional person or artist, not exceeding \$300 in value; and

(14) the debtor's aggregate interest in real property used as the residence of the debtor, or property that the debtor or a dependent of the debtor in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or dependent of the debtor, except nothing relative to these exemptions shall impair the following debt instruments on real property: deed of trust, mortgage, mechanic's lien, or tax lien.

(b) The exemptions provided for by subsection (a) of this section are valid when the property is in transit, the same as if at rest; but property named and exempted in this section is not exempt from attachment or execution for a debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds, and bedding and household furniture for the debtor and family.

(c) For the purpose of this section, the person who is the principal provider for the family is the head thereof.

(Dec. 23, 1963, 77 Stat. 529, Pub. L. 88-241, § 1; June 24, 2000, D.C. Law 13-129, § 4, 47 DCR 2684; Apr. 27, 2001, D.C. Law 13-292, § 702, 48 DCR 2087; Mar. 14, 2007, D.C. Law 16-270, § 3(a), 54 DCR 851.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-501.

1973 Ed., § 15-501.

Effect of Amendments

D.C. Law 13-129, in subsec. (a), in par. (7), deleted "and" from the end, in par. (8), substituted a semicolon for a period at the end, and added pars. (9) and (10).

Section 6 of D.C. Law 13-129 provides:

"Section 4 of this act shall apply as of January 1, 2000."

D.C. Law 13-292 rewrote subsec. (a) which formerly read:

"(a) The following property of the head of a family or householder residing in the District of Columbia, or of a person who earns the major portion of his livelihood in the District of Columbia, being the head of a family or householder, regardless of his place of residence, is free and exempt from distraint, attachment, levy, or

seizure and sale on execution or decree of any court in the District of Columbia:

"(1) all wearing apparel provided for all persons within the household, being members of the immediate family of the household, not exceeding \$300 per person in value;

"(2) all beds, bedding, household furniture and furnishings, sewing machines, radios, stoves, cooking utensils, not exceeding \$300 in value;

"(3) provisions for three months' support, whether provided or growing;

"(4) fuel for three months;

"(5) mechanics' tools and implements of the debtor's trade or business amounting to \$200 in value, with \$200 worth of stock or materials for carrying on the business or trade of the debtor;

"(6) the library, office furniture, and implements of a professional man or artist, not exceeding \$300 in value;

"(7) one horse or mule; one cart, wagon, or dray and harness, or one automobile or motor-controlled vehicle not exceeding \$500 in value if used principally by the debtor in his trade or business;

"(8) all family pictures; and all the family library, not exceeding \$400 in value.

"The exemption provided for by clause (5) of this subsection also applies to merchants;

"(9) notwithstanding subsection (b) of this section, money or other assets payable to a participant or beneficiary from, or an interest of a participant or beneficiary in, a retirement plan qualified under sections 401(a), 403(a), 403(b), 408, 408A, 414(d), or 414(e) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.) ('1986 Code'), or section 409 (as in effect prior to January 1984) of the Internal Revenue Code of 1954, approved August 6, 1954 (68A Stat. 3; 26 U.S.C. § 1 et seq.); provided, that:

"(A) this paragraph shall not apply to:

"(i) an alternate payee under a qualified domestic relations order, as defined in section 414(p) of the 1986 Code;

"(ii) a retirement plan, qualified under section 401(a) of the 1986 Code, as a creditor of an individual retirement account qualified under section 408 of the 1986 Code; or

"(iii) any claims by, or any indebtedness, liability, or obligation owed to, the District of Columbia;

"(B) if a contribution to a retirement plan described in this paragraph exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution allowed under the applicable provisions of the 1986 Code, the portion of the contribution that exceeds the amount deductible or, in the case of a contribution under section 408A of the 1986 Code, the maximum contribution allowed, and any accrued earnings on such portion, are not exempt; and

"(10) the interest of an alternate payee in a plan described in paragraph (9) of this subsection."

D.C. Law 16-270, in subsec. (a)(14), inserted ", except nothing relative to these exemptions shall impair the following debt instruments on real property: deed of trust, mortgage, mechanic's lien, or tax lien".

Legislative History of Laws

Law 13-129, the "Fairness in Real Estate Transactions and Retirement Funds Protection Amendment Act of 2000," was introduced in Council and assigned Bill No. 13-267, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on February 1, 2000, and March 7, 2000, respectively. Signed by the Mayor on March 22, 2000, it was assigned Act No. 13-299 and transmitted to both Houses of Congress for its review. D.C. Law 13-129 became effective on June 24, 2000.

Law 13-292, the "Omnibus Trusts and Estates Amendment Act of 2000", was introduced in Council and assigned Bill No. 13-298, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on December 5, 2000, and December 19, 2000, respectively. Signed by the Mayor on January 26, 2001, it was assigned Act No. 13-599 and transmitted to both Houses of Congress for its review. D.C. Law 13-292 became effective on April 27, 2001.

Law 16-270, the "Property Interest Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-671, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-626 and transmitted to both Houses of Congress for its review. D.C. Law 16-270 became effective on March 14, 2007.

Miscellaneous Notes

Section 4 of D.C. Law 16-270 provided: "Section 3 shall apply as of April 27, 2001."

§ 15-502. MORTGAGE OR OTHER INSTRUMENT AFFECTING EXEMPT PROPERTY.

(a) A mortgage, deed of trust, assignment for the benefit of creditors, or bill of sale upon exempted articles is not binding or valid unless it is signed by the spouse or domestic partner of a debtor who is living with his or her spouse or domestic partner. This section shall not apply to instruments related to property exempted in § 15-501(a)(14).

(b) For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(Dec. 23, 1963, 77 Stat. 530, Pub. L. 88-241, § 1; Oct. 1, 1976, D.C. Law 1-87, § 11, 23 DCR 2544; Apr. 4, 2006, D.C. Law 16-79, § 3, 53 DCR 1035; Mar. 2, 2007, D.C. Law 16-191, § 131(a), 53 DCR 6794; Mar. 14, 2007, D.C. Law 16-270, § 3(b), 54 DCR 851.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-502.

1973 Ed., § 15-502.

Effect of Amendments

D.C. Law 16-79 rewrote section, which had read as follows:

"A mortgage, deed of trust, assignment for the benefit of creditors, or bill of sale upon exempted articles is not binding or valid unless it is signed by the spouse of a debtor who is married and living with his or her spouse."

D.C. Law 16-191, in subsec. (a), validated a previously made technical correction.

D.C. Law 16-270, in subsec. (a), inserted "This section shall not apply to instruments related to property exempted in § 15-501(a)(14)."

Legislative History of Laws

Law 1-87, the "Anti-Sex Discriminatory Language Act," was introduced in Council and assigned Bill No. 1-36, which was referred to the Committee on the Judiciary and Criminal Law. The Bill was adopted on first and second readings on June 15, 1976 and June 29, 1976, respectively. Signed by the Mayor on July 27, 1976, it was assigned Act No. 1-143 and transmitted to both Houses of Congress for its review.

Law 16-79, the "Domestic Partnership Equality Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-52 which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on December 6, 2005, and January 4, 2006, respectively. Signed by the Mayor on January 26, 2006, it was assigned Act No. 16-265 and transmitted to both Houses of Congress for its review. D.C. Law 16-79 became effective on April 4, 2006.

Law 16-191, the "Technical Amendments Act of 2006", was introduced in Council and assigned Bill No. 16-760, which was referred to the Committee of the whole. The Bill was adopted on first and second readings on June 20, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 31, 2006, it was assigned Act No. 16-475 and transmitted to both Houses of Congress for its review. D.C. Law 16-191 became effective on March 2, 2007.

For Law 16-270, see notes following § 15-501.

Miscellaneous Notes

Section 4 of D.C. Law 16-270 provided: "Section 3 shall apply as of April 27, 2001."

§ 15-503. EARNINGS AND OTHER INCOME; WEARING APPAREL AND TOOLS OF CERTAIN PERSONS.

(a) The earnings (other than wages, as defined in subchapter III of Chapter 5 of Title 16), insurance, annuities, or pension or retirement payments, not otherwise exempted, not to exceed \$200 each month, of a person residing in the District of Columbia, or of a person who earns the major portions of his livelihood in the District of Columbia, regardless of place of residence, who provides the principal support of a family, for two months next preceding the issuing of any writ or process against him, from any court or officer of and in the District, are exempt from attachment, levy, seizure, or sale upon the process, and may not be seized, levied on, taken, reached, or sold by process or proceedings of any court, judge, or other officer of and in the District. Where spouses or domestic partners are living together, the aggregate of the earnings, insurance, annuities, and pension or retirement payments of the spouses or domestic partners is the amount which shall be determinative of the exemption of either in cases arising ex contractu.

(b) The earnings (other than wages, as defined in subchapter III of Chapter 5 of Title 16), insurance, annuities, or pension or retirement payments, not otherwise exempt, not to exceed \$60 each month for two months preceding the date of attachment of persons residing in the District of Columbia, or of persons who earn the major portions of their livelihood in the District of Columbia, regardless of place of residence, who do not provide for the support of a family, are entitled to like exemption from attachment, levy, seizure,

or sale. All wearing apparel belonging to such persons, not exceeding \$300 in value, and mechanic's tools not exceeding \$200 in value, are also exempt.

(c) Notwithstanding any other provision of law, the wages (as defined in section 16-571 of the District of Columbia Official Code) of any person not residing in the District of Columbia who does not earn the major portion of such wages in the District of Columbia shall, in any case arising out of a contract or transaction entered into outside of the District of Columbia, be exempt from attachment, levy, or seizure, by any process or proceeding of any court, judge, or officer of the District of Columbia in the same amount and to the same extent as is provided by law of the State in which such person resides for persons residing therein. Whenever any claim is made for an exemption from attachment pursuant to this subsection, the burden shall be upon the plaintiff to prove that the contract or transaction involved in the case was entered into within the District of Columbia.

(d) A notice of claim of exemption, or motion to quash attachment or other process against exempt property or money, may be filed in the office of the clerk of the court either by the debtor, his spouse or domestic partner, or a garnishee. Thereupon, the court, after due notice, shall promptly act upon the notice, motion, or other claim of exemption.

(e) For the purposes of this section, the term "domestic partner" shall have the same meaning as provided in § 32-701(3).

(Dec. 23, 1963, 77 Stat. 530, Pub. L. 88-241, § 1; Oct. 21, 1970, 84 Stat. 1066, Pub. L. 91-475; Sept. 12, 2008, D.C. Law 17-231, § 19, 55 DCR 6758.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-503.

1973 Ed., § 15-503.

Effect of Amendments

D.C. Law 17-231, in subsec. (a), substituted "spouses or domestic partners" for "husband and wife"; in subsec. (d), substituted "spouse or domestic partner" for "spouse"; and added subsec. (e).

Legislative History of Laws

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

SUBCHAPTER II. TRIAL OF RIGHT TO PROPERTY SEIZED ON PROCESS OF SUPERIOR COURT.

§ 15-521. NOTICE OF CLAIM OR EXEMPTION; TRIAL.

When personal property taken on execution or other process issued by the Superior Court of the District of Columbia is claimed by a person other than the defendant therein, or is claimed by the defendant to be property exempt from execution, and the claimant gives written notice to the marshal of his claim, or the defendant gives notice, in writing, that the property is exempt, the marshal shall notify the plaintiff of the claim and return the notice to the court, and a trial of the right of property, or the question of exemption, shall be had before the court.

(Dec. 23, 1963, 77 Stat. 530, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 553, Pub. L. 91-358, title I, § 144(8)(A)(i).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-521.

1973 Ed., § 15-521.

§ 15-522. DOCKETING OF CLAIM; MANNER OF TRIAL.

The case made by the claim referred to in section 15-521 shall be entered on the docket as an action by the claimant or the defendant against the plaintiff and tried in the same manner as other cases before the

Superior Court of the District of Columbia.

(Dec. 23, 1963, 77 Stat. 530, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 553, Pub. L. 91-358, title I, § 144(8)(A)(i).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-522.

1973 Ed., § 15-522.

§ 15-523. JUDGMENT.

If the property referred to in section 15-521 appears to belong to the claimant or to be exempt from the process, judgment shall be entered against the plaintiff for costs, and the property levied upon shall be released. If the property does not appear to belong to the claimant or to be exempt, judgment shall be entered against the claimant or the defendant as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ.

(Dec. 23, 1963, 77 Stat. 531, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-523.

1973 Ed., § 15-523.

§ 15-524. REPLEVIN AGAINST OFFICER.

This subchapter does not prevent a claimant other than the defendant from bringing an action of replevin against the officer levying upon the property claimed as described in this subchapter.

(Dec. 23, 1963, 77 Stat. 531, Pub. L. 88-241, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 15-524.

1973 Ed., § 15-524.