

CORONAVIRUS

APRIL 10, 2020 • NO. 1

COVID-19 Effect on Commercial Landlord-Tenant Law: A 50 State Review and Practical Guide to Negotiating Lease Modifications

The widespread impact of the COVID-19 pandemic on the ability of businesses to continue operations in leased spaces should prompt landlords and tenants to have an open dialogue toward practical solutions. Because no current federal legislation can be directly applied to commercial leases, a review of common contractual provisions and defenses, bankruptcy issues, and updated legal frameworks in jurisdictions across the country is vital for landlords and tenants seeking to find a path forward.

Few tenants and landlords are weathering the COVID-19 pandemic without significant—if not total—lost revenue. More than 16 million people are out of work, and while labor costs may be mitigated by furloughs or layoffs, real estate costs, typically a company's second highest expense, is a contractual obligation that is commonly accompanied by personal or corporate guarantees, letters of credit, or cash deposits. Some states have issued executive orders temporarily prohibiting tenant evictions and mortgage foreclosures, but such short-term relief may not be enough to help the tenant's business to survive.

Landlords and tenants starting to visit lease accommodations should consider a practical approach aimed at achieving a long-term solution that allows the tenant's business and the landlord's income stream to return to pre-pandemic levels

and preserves the landlord-tenant relationship. Open and frank communication is important, allowing landlords and tenants to understand the business and economic conditions each face. While lawyer letters are the common means of landlord-tenant discourse, a tenant directly phoning the landlord to explain the reasons for lease accommodations may be more productive. And in negotiating with landlords, tenants should recognize that landlords may need lender consent to modify a lease and that reduced rent can impact a landlord in many ways, including affecting its ability to pay the mortgage.

Similarly, it is important for landlords to recognize that many tenants may not survive months of negative revenue. Landlords must be flexible when receiving lease accommodation requests from tenants, especially given that lease

payments may be the business cost causing a tenant bankruptcy. And since bankruptcy may cause the leasehold to remain unoccupied for months or longer with no rent being paid, and new tenants difficult to find, landlords may consider alternatives to demanding strict rent payment under the existing lease.

LEGAL FRAMEWORK

There is no federal legislation affecting commercial leases, and any future state action offering the equivalent of landlord-funded rent rebates, as many commentators hope, may be subject to constitutional challenge. But Congress may in a follow-up stimulus round extend financial support for businesses most severely impacted by the closures, such as hotel operators, restaurants, entertainment venues, and other retail establishments.

Current state legislation and executive orders are described in a chart at the end of this advisory. For landlords who also have multifamily housing, we include legislation and orders that affect residential units. Note that none of the legislation prevents landlords from calling guarantees, drawing down letters of credit, or applying deposits to rent defaults.

LEGAL AND CONTRACTUAL ISSUES

Leases are contracts that include terms and conditions that will be enforced by courts, but several defenses may be available:

- Most leases include force majeure clauses that generally provide for the postponement or suspension of performance due to circumstances beyond party control. Force majeure clauses typically protect against extreme weather, unavailability of utilities, government actions, riots, war, labor strikes and embargos, and similar events. Since the 2003 SARS epidemic, many force majeure clauses specifically refer to viruses, and the World Health Organization's classification of COVID-19 as a pandemic is important for force majeure clauses that expressly account for pandemics or similar events. But note that many commercial leases exclude the payment of rent from force majeure clauses, meaning a tenant may still be required to pay rent even during a force majeure event.
- Some leases have rent relief clauses tied to government-issued directives (often located in civil disobedience language) or closures not attributed to the tenant, including temporary condemnation by the government. Some well-heeled tenants may test claims against the government for inverse condemnation arising from directives to close all non-essential businesses and failure to provide just compensation as required by the Fifth Amendment of the Constitution.
- Some leases have expanded covenant of quiet enjoyment provisions that may be invoked if the landlord has enacted impediments to entry or contractual use, no matter the reason.
- Lease casualty clauses usually provide tenants and landlords the option to terminate or require a landlord to offer rent abatement in the event the property is substantially damaged. While a tenant's ability to operate has been disrupted by the pandemic, casualty clauses typically cover fire, floods, explosions, or similar occurrences that degrade the premises' physical or structural integrity. Depending upon the lease language, tenants may assert that government shelter directions prevent productive use of the space, rendering the tenant unable to physically use the space.
- There may also be non-contractual legal arguments that tenants may raise such as impossibility of performance or the doctrine of impracticability. Nonperformance may be grounded in these doctrines under the premise that the parties did not—and could not—have foreseen the unexpected intervening event of COVID-19, which materially impacts both parties performing under the lease, rendering such performance impossible or impracticable. Similarly, the doctrine of frustration of purpose focuses on whether an intervening event destroys the purpose of the contract rather than merely frustrating a party's contractual performance. The doctrine assumes the event frustrating performance was not a basic assumption of the contract, and queries whether the purpose of the contract was obviated.

BANKRUPTCY

The filing of a bankruptcy petition by a tenant creates an “automatic stay” that precludes landlords from attempting to collect rent or seeking to evict the tenant. A landlord may, however, seek to enforce a guarantee or call down a letter of credit to pay for past due rent, but cannot apply a security deposit. The proper procedure for asserting a claim for pre-petition arrearages is through the filing of a proof of claim with the Bankruptcy Court.

If the tenant is reorganizing, it has up to seven months to decide whether to continue with the lease or terminate it. During this period, the tenant is required to timely make rent payments. Recently, however, a number of tenants have filed motions seeking to suspend their bankruptcy cases during the pandemic and not pay creditors, including landlords. And at least two bankruptcy courts issued orders permitting tenants to remain in premises without paying rent due to the COVID-19 pandemic. But under the Bankruptcy Code, in order to assume a lease, a debtor must pay outstanding rent or provide “adequate assurance” that it will be paid “promptly” and provide “adequate assurance” that future rent will be paid. If rent is not timely paid, the landlord may ask the Bankruptcy Court to evict the tenant, a process that can take months. A tenant may decide to leave the premises and reject the lease. The rejection of a lease is not a termination of the lease, but rather is treated as a pre-petition breach of the lease. The landlord will have an unsecured claim for damages arising as a result of the rejection, i.e., for unpaid rent both pre-and post-petition. If the tenant liquidates, the landlord will retrieve the space, but may find it difficult to locate a substitute tenant.

SBA LOANS AND INSURANCE

While beyond the scope of this advisory, landlords should keep in mind that SBA loans are available for small businesses, which can be used to pay rent, and tenants should consider whether business interruption or other insurance is available to offset rent payments and other obligations (for further information, see Blank Rome’s advisories on the [SBA 7\(a\) loan program](#) and [insurance guidance](#) for losses related to the coronavirus).

EFFECT OF NON-PAYMENT

Rent often is backed by personal or corporate guarantees, letters of credit, and/or security deposits. If you do not pay rent, a landlord may call the personal guarantee, draw on the letter of credit, or apply the deposit. Landlords must recognize the affect this will have on the tenant or the guarantor, as well as the fact that it is likely to result in prolonged litigation.

- Seeking to enforce a personal guarantee will no doubt gain the tenant’s attention because the guarantor’s assets are at risk. While this often results in the tenant paying rent, it also can result in a time consuming and costly legal battle and will not foster a healthy landlord-tenant relationship. Similarly, enforcing a corporate guarantee, usually given by a parent company, is likely to result in litigation.
- If the landlord draws a letter of credit, the tenant will have to repay the issuing bank. And if the letter of credit is issued as part of a working capital credit facility or as part of a corporate revolver, the draw will accrue interest and possibly trigger a covenant default, further increasing the economic impact on the tenant.
- Applying a cash deposit will not directly affect the tenant, though it cannot be done if the tenant files for bankruptcy protection.

At the same time, tenants must recognize that landlords have financial obligations tied to tenant performance, such as mortgage payments, the absence of which may lead to foreclosure. In addition, landlords often must satisfy covenants in a credit facility, and typically non-payment of rent constitutes a material adverse event or default. Negotiating rent abatement or deferral is not as simple as the landlord agreeing to waive or defer rent, because such waiver often causes the landlord to default on concomitant financial obligations, especially if there are numerous investors in the property, each of whom may have their own obligations dependent on receiving monthly rent payments.

PRACTICAL GUIDANCE

The following guidance assumes that the landlord would like to the tenant to remain in the premises. If not, then the landlord should take contractually required steps, such as proper notice, drawing down and deposits, and calling guarantees, followed by eviction proceedings.

Tenants in jurisdictions that have enacted delays in enforcing rent defaults generally have the luxury of remaining in the premises for a limited period without the threat of eviction. New York may be an exception as leases often give landlords the right to terminate a lease for non-payment after notice and courts are unavailable to issue “Yellowstone” injunctions prohibiting termination until final determination. Also, the legislation does not prevent the landlord from enforcing guarantees, drawing down letters of credit or taking deposits. It also burdens tenants with paying several months’ past rent after the safe period ends. Accordingly, it may be productive to enter negotiations now.

- Tenants should undertake a deep financial dive and determine how much rent, if any, they can pay during the pandemic. Approaching a landlord with a plan informs the landlord that you are being candid, have thought through the financial issues, and are doing what you can to work towards a mutually beneficial solution. Where possible, offer to pay part of the rent on an ongoing basis and defer part. Merely deferring rent will leave the tenant with increased rent later, making it more difficult to survive. Alternatives include (i) tying rent to revenue such that the landlord is invested in your success; (ii) agreeing to percentage rent with certain steps and thresholds as the economy returns; and (iii) for tenants with numerous leases with the same landlord, agreeing to pay more rent for successful locations spaces to make up for less successful ones.

- Given the environment—for instance, some estimate that more than 50 percent of restaurants will fail—combined with changes in consumer brick-and-mortar shopping behavior reinforced by months of online purchasing, and the realization that business can work remotely, demand for retail locations, and office space likely will be reduced, landlords should consider taking steps to keep important tenants to ensure future prosperity. At the same time as giving concessions, landlords may want to consider asking the tenant to share in the upside if the tenant succeeds.

50 STATE REVIEW

The following [50 State Review](#) chart reflects state executive orders and judicial rules effective as of **April 8, 2020**. Updates will be available at Blank Rome’s [COVID-19 State Impact Tracker](#).

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50 STATE REVIEW ON COVID-19 EVICTION POLICIES

State	Order	Expiration Date	Residential (“R”) / Commercial (“C”)	Not Specific to Real Estate	Link to Relevant Materials
AL	On April 2, 2020, the Supreme Court of Alabama issued an Order extending its earlier March 13, 2020 Order, which suspends most in-person proceedings in all state and local courts and will likely delay any commercial or residential eviction or foreclosure proceedings.	April 30, 2020		X	alabar.org/assets/2020/04/AlaSupCt-Administrative-Order-No.-5-SIGNED.pdf alabar.org/assets/2020/03/COV-19-order-FINAL.pdf
AK	On April 3, 2020, the Alaska Supreme Court issued an updated Order extending its earlier March 23, 2020 Order, which suspends eviction hearings.	May 31, 2020	R/C		public.courts.alaska.gov/web/covid19/docs/statewide-pjo-rules-suspension-1.pdf
AZ	On March 24, 2020, Governor Ducey issued Executive Order 2020-14, which commands that eviction action orders for residential premises will not be enforced if the resident can establish one of a number of factors detailed in the Order, including, among other factors, job loss, or reduction in compensation. On April 6, 2020, Governor Ducey issued Executive Order 2020-21, which suspends most eviction actions against commercial tenants.	July 22, 2020 May 31, 2020	R/C		azgovernor.gov/sites/default/files/eo_2020-14_0.pdf azgovernor.gov/sites/default/files/eo_2020-21_prohibiting_small_business_evictions.pdf
AR	On April 3, 2020, the Arkansas Supreme Court issued an Order extending its earlier March 17, 2020 Order, which suspends most in-person proceedings in all appellate, circuit, and district courts and will likely delay any commercial or residential eviction or foreclosure proceedings.	May 1, 2020		X	arcourts.gov/sites/default/files/articles/COVID-19-PC-april-3.pdf arcourts.gov/sites/default/files/articles/COVID-19-PC.pdf
CA	On March 27, 2020, Governor Newsom issued Executive Order N-28-20, which suspends residential and commercial evictions. On April 6, 2020, the California Judicial Council issued two relevant emergency rules, which suspend both judicial foreclosures and the entry of defaults in eviction cases.	May 31, 2020 90 days after the Governor lifts the State of Emergency or until amended or repealed by the Judicial Council	R/C		gov.ca.gov/wp-content/uploads/2020/03/3.27.20-EO-N-37-20.pdf jcc.legistar.com/View.ashx?M=F&ID=8234474&GUID=79611543-6A40-465C-8B8B-D324F5CAE349

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential (“R”) / Commercial (“C”)	Not Specific to Real Estate	Link to Relevant Materials
CO	<p>On March 20, 2020, Governor Polis issued Executive Order D 2020-012, which directs Colorado government agencies to work with landlords and property owners to avoid “removing or executing evictions procedures” and to suspend residential evictions. The Order further directs Colorado agencies to work with banks, credit unions, and other financial institutions to halt foreclosures and related evictions for commercial and residential properties.</p> <p>On April 6, 2020, Governor Polis issued Executive Order D 2020 031, which amended its earlier March 20, 2020 Executive Order to allow Public Trustees to extend deadlines in foreclosure proceedings.</p>	April 30, 2020	R/C		<p>colorado.gov/governor/sites/default/files/inline-files/D%202020%20012%20Order%20Limiting%20Evictions%2C%20Foreclosures%2C%20and%20Public%20Utility%20Disconnections_0.pdf</p> <p>colorado.gov/governor/sites/default/files/inline-files/D%202020%20031%20Evictions%20and%20Foreclosures.pdf</p>
CT	On March 19, 2020, the Connecticut Judicial Branch implemented an immediate stay of all issued executions on evictions and ejectments.	May 1, 2020	R/C		jud.ct.gov/COVID19.htm
DE	<p>On March 24, 2020, Governor Carney issued the Sixth Modification of the Declaration of a State of Emergency, which prohibits actions for summary possession with respect to residential rental units as well as certain actions for residential mortgage foreclosures.</p> <p>On March 13, 2020, the Justice of the Peace Court issued an Order, which requires that all landlord-tenant eviction proceedings scheduled for in-court appearance be rescheduled.</p> <p>On April 1, 2020, the Justice of the Peace issued guidance that all evictions are stayed.</p>	<p>Duration of the State of Emergency</p> <p>May 1, 2020</p> <p>May 15, 2020</p>	R/C		<p>governor.delaware.gov/wp-content/uploads/sites/24/2020/03/Sixth-Modification-to-State-of-Emergency-03242020.pdf</p> <p>courts.delaware.gov/rules/pdf/JPCourt-Standing-Order-Concerning-COVID19.pdf</p> <p>courts.delaware.gov/aoc/docs/CivilFAQ-3-31-20.pdf</p>
DC	On March 15, 2020, the D.C. Superior Court issued an Order, which stays evictions of “tenants and foreclosed homeowners” and continues all landlord and tenant hearings. The Order does not distinguish between commercial or residential tenants.	May 1, 2020	R/C		<p>dccourts.gov/sites/default/files/Order-3-15-20.pdf</p> <p>dccourts.gov/coronavirus</p>

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
FL	On April 2, 2020, Governor DeSantis issued Executive Order No. 20-94, which suspends all causes of action both for residential tenant evictions, if related to nonpayment due to COVID-19, and single-family mortgage foreclosures.	May 17, 2020	R		flgov.com/wp-content/uploads/orders/2020/EO_20-94.pdf
GA	On April 6, 2020, the Supreme Court of Georgia issued an Order extending its earlier March 14, 2020 Order, which suspends all but emergency hearings and will likely delay any commercial or residential eviction proceedings.	May 13, 2020		X	gasupreme.us/wp-content/uploads/2020/04/CJ_Melton_Extension_Order_signed_entered.pdf gasupreme.us/wp-content/uploads/2020/03/CJ-Melton-amended-Statewide-Jud-Emergency-order.pdf
HI	On March 16, 2020, the Supreme Court of Hawaii Issued an Order, which suspends all but emergency hearings and will likely delay any commercial or residential eviction proceedings. On March 17, 2020, The Hawaii Department of Public Safety Sheriff Division suspended all eviction activities. The Department does not distinguish between residential and commercial properties.	April 30, 2020		X	courts.state.hi.us/wp-content/uploads/2020/03/031619_scmf-20-152_In_Re_COVID-19.pdf governor.hawaii.gov/newsroom/latest-news/psd-news-release-sheriff-division-temporarily-suspends-eviction-activities/
ID	On March 26, 2020, the Idaho Supreme Court issued an Order, which suspends all but emergency hearings and will likely delay any commercial or residential eviction proceedings.	April 15, 2020		X	isc.idaho.gov/EO/Emergency-Reduction-Order.pdf
IL	On April 1, 2020, Governor Pritzker issued Executive Order 2020-18 extending Executive Order 2020-10, which orders that all residential evictions are ceased.	April 30, 2020	R		illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-18.aspx
IN	On March 19, 2020, Governor Holcomb issued Executive Order 20-06, as extended by Executive Order 20-17, which prohibits eviction or foreclosure proceedings involving residential real estate or property.	May 5, 2020	R		in.gov/gov/files/EO_20-06.pdf in.gov/gov/files/Executive%20Order%2020-17%20Renewal%20of%20Public%20Health%20Emergency%20declaration%20of%20Covid-19.pdf

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
IA	On March 19, 2020, Governor Reynolds issued Proclamation of Disaster Emergency 2020-35, as extended by Proclamation of Disaster Emergency 2020-40, which suspends certain residential evictions.	April 16, 2020	R		governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.03.19.pdf
	On March 22, 2020, Governor Reynolds issued Proclamation of Disaster Emergency 2020-36, as extended by Proclamation of Disaster Emergency 2020-40, which suspends foreclosures for residential, commercial, and agricultural real property.		R/C		governor.iowa.gov/sites/default/files/documents/Public%20Health%20Proclamation%20-%202020.03.22.pdf
KS	On March 24, 2020, Governor Kelly issued Executive Order 20-10, which prohibits certain residential foreclosures and evictions.	May 1, 2020	R		governor.kansas.gov/wp-content/uploads/2020/03/EO-20-10-Executed.pdf
KY	On March 25, 2020, Governor Beshear issued Executive Order 2020-257, which suspends residential evictions.	Duration of the State of Emergency	R		governor.ky.gov/attachments/20200325_Executive-Order_2020-257_Healthy-at-Home.pdf
LA	On March 18, 2020, Governor Edwards suspended foreclosures and evictions.	April 30, 2020	R		thenewsstar.com/story/news/2020/03/18/louisiana-coronavirus-cases-rise-above-200-one-nations-hotspots/2863208001/
ME	On March 30, 2020, the Maine Supreme Judicial Court issued an Order, which commands that evictions and foreclosure cases will not be scheduled or heard. The Order does not distinguish between commercial and residential.	May 1, 2020	R/C		courts.maine.gov/covid19/pmo-sjc-1-3-30-20.pdf
MD	On March 16, 2020, Governor Hogan issued an Executive Order, which prohibits eviction of residential tenants for non-payment of rent or job loss.	May 1, 2020	R		governor.maryland.gov/wp-content/uploads/2020/03/Executive-Order-Temp-Evictions-Prohibiting.pdf
MA	On April 3, 2020, the Trial Court of Massachusetts Housing Court Department issued Housing Court Standing Order 4-20, which provides that the Court would hear only emergency matters.	May 4, 2020	R		mass.gov/doc/housing-court-standing-order-4-20-supplement-to-housing-court-standing-orders-2-20-and-3-20/download

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
MI	On March 20, 2020, Governor Whitmer issued Executive Order 2020-19, which temporarily halts evictions for residential properties for nonpayment of rent.	April 17, 2020	R		michigan.gov/whitmer/0,9309,7-387-90499_90705-522509--,00.html
MN	On March 23, 2020, Governor Walz issued Executive Order 20-14, which suspends evictions and writs of recovery during the COVID-19 peacetime emergency. On its face, the Order appears to extend both to residential and commercial tenants. On March 23, 2020, the Minnesota Supreme Court issued an Order amended its earlier March 20, 2020, in order to suspend certain eviction hearings and mortgage foreclosure hearings.	Duration of Peacetime Emergency April 22, 2020	R/C		leg.state.mn.us/archive/execorders/20-14.pdf mncourts.gov/mncourtsgov/media/CIOMediaLibrary/News%20and%20Public%20Notices/Orders/Administrative-Order-Continuing-Operations-of-the-Courts-of-the-State-of-Minnesota-Under-a-Statewide-Peacetime-Declaration-of-Emergency.pdf mncourts.gov/mncourtsgov/media/CIOMediaLibrary/News%20and%20Public%20Notices/Orders/Order-Continuing-Operations-of-the-Courts-of-the-State-of-Minnesota-Under-a-Statewide-Peacetime-Declaration-of-Emergency.pdf
MS	On April 1, 2020, Governor Reeves issued Executive Order No. 1466, which suspends residential evictions.	April 20, 2020	R		sos.ms.gov/Education-Publications/ExecutiveOrders/1466.pdf
MO	On April 1, 2020, the Supreme Court of Missouri issued an Order, which suspends most in-person proceedings in all appellate and circuit courts and will likely delay any commercial or residential eviction proceedings.	May 1, 2020		X	courts.mo.gov/page.jsp?id=153953
MT	On April 7, 2020, Governor Bullock issued Directive Implementing Executive Orders 2-2020 and 3-2020 and extending his earlier March 30, 2020 Directive, which suspends residential evictions and foreclosures.	April 24, 2020	R		governor.mt.gov/Portals/16/Extension%20of%20Directives.pdf?ver=2020-04-07-172755-170
NE	On March 25, 2020, Governor Ricketts issued Executive Order 20-07, which prohibits evictions for residential tenants that are able to show that they suffered substantial income loss or missed work due to certain COVID-19 issues.	May 31, 2020	R		govdocs.nebraska.gov/docs/pilot/pubs/eofiles/20-07.pdf

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
NV	On March 29, 2020, Governor Sisolak issued Declaration of Emergency Directive 008, which temporarily suspends all foreclosure and eviction proceedings for residential and commercial real property.	April 30, 2020	R/C		gov.nv.gov/News/Emergency_Orders/2020/2020-03-29_-_COVID-19_Declaration_of_Emergency_Directive_008/ gov.nv.gov/News/Emergency_Orders/2020/2020-03-31_-_COVID-19_Declaration_of_Emergency_Directive_010_-_Stay_at_Home_Order/
NH	On March 17, 2020, Governor Sununu issued Emergency Order No. 4, which temporarily prohibits eviction proceedings. On April 3, 2020, Governor Sununu issued Emergency Order No. 24, which clarified Emergency Order No. 4 but left the prohibitions in place.	Duration of the State of Emergency	R/C		governor.nh.gov/news-media/emergency-orders/documents/emergency-order-4.pdf governor.nh.gov/news-media/emergency-orders/documents/emergency-order-24.pdf
NJ	On March 19, 2020, Governor Murphy issued Executive Order No. 106, which suspends all residential evictions.	No more than two months following the end of either the Public Health Emergency or State of Emergency	R		nj.gov/infobank/eo/056murphy/pdf/EO-106.pdf
NM	On March 24 and 26, 2020, the New Mexico Supreme Court issued two Orders, which temporarily postpones the carrying out of evictions of residential and mobile home tenants for nonpayment of rent.	Until further Order of the Court	R		nmcourts.gov/uploads/FileLinks/a6efaf23676f4c45a95fdb3d71caea83/Order_No._20_8500_007__Staying_Execution_of_Writs_of_Restitution_in_Eviction_Proceedings_3_24_20_.pdf nmcourts.gov/uploads/FileLinks/a6efaf23676f4c45a95fdb3d71caea83/3_26_20_Order_No._20_8500_008__Staying_Writs_of_Restitution_under_Mobile_Home_Park_Act_3_26_20_.pdf

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential (“R”) / Commercial (“C”)	Not Specific to Real Estate	Link to Relevant Materials
NY	<p>On March 20, 2020, Governor Cuomo issued Executive Order 202.8, which suspends residential and commercial evictions.</p> <p>On March 22, 2020, the Chief Administrative Judge of the New York Courts issued an Order, which provides that no papers would be accepted by the courts.</p>	June 18, 2020	R/C		<p>governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_202.8.pdf</p> <p>nycourts.gov/whatsnew/pdf/AO-78-2020.pdf</p>
NC	On April 2, 2020, the Supreme Court of North Carolina issued an Order, which requires that most superior and district court proceedings be rescheduled and will likely delay any commercial or residential eviction proceedings.	June 1, 2020		X	nccourts.gov/assets/news-uploads/2%20April%202020%20-%207A-39%28b%29%282%29%20Order%20%28Final%29.pdf?UqRJH9wO2z3oEU4GW3Eg9rxRuFvTlixn
ND	On March 26, 2020, the North Dakota Supreme Court issued an Order, which suspends all residential eviction proceedings.	Until further Order of the Court	R		ndcourts.gov/legal-resources/rules/ndsuptadminorder/27
OH	<p>On April 1, 2020, Governor DeWine issued Executive Order 2020-08D, which requests that landlords suspend rent payments for small business tenants.</p> <p>On March 30, 2020, the Supreme Court of Ohio issued its updated “Guidance to Local Courts” providing that local courts should temporarily continue eviction filings, proceedings, scheduled move-outs, and execution of foreclosure judgments; however, local application is varied.</p>	<p>June 20, 2020</p> <p>Temporarily</p>			<p>governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/executive-order-2020-08d</p> <p>supremecourt.ohio.gov/coronavirus/resources/localCourtGuidance03.20.20.pdf</p>
OK	On March 27, 2020, the Supreme Court of Oklahoma issued an Order, which suspends all deadlines and procedures, subject to constitutional limitations, and will likely delay any commercial or residential eviction proceedings.	May 15, 2020		X	<p>oscn.net/news/2003271403/scad-no-202029</p> <p>oscn.net/images/news/SCAD-2020-29.pdf</p>
OR	On April 1, 2020, Governor Brown issued Executive Order 20-13, which places a temporary moratorium on evictions related to nonpayment of rent.	June 30, 2020	R/C		oregon.gov/gov/admin/Pages/eo_20-13.aspx

50 STATE REVIEW ON COVID-19 EVICTION POLICIES (continued)

State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
PA	On April 1, 2020, the Supreme Court of Pennsylvania issued an Order extending its earlier March 18, 2020 <i>In Re General Statewide Judicial Emergency</i> , which orders that most residential evictions, ejections, or other displacements are ceased.	April 30, 2020	R		pacourts.us/assets/files/page-1305/file-8846.pdf
RI	On March 19, 2020, Governor Raimondo ordered that state courts would not process any residential or commercial evictions.	April 18, 2020	R/C		ri.gov/press/view/37970
SC	On March 18, 2020, the Supreme Court of South Carolina issued an Order, which postpones most evictions.	May 1, 2020	R/C		sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=2464
SD	On March 13, 2020, the Supreme Court of South Dakota issued an Order, which grants each of the seven judicial circuits the power to adopt, modify, and suspend court rules and orders as necessary.	Until further Order of the Court		X	ujs.sd.gov/uploads/news/OrderDeclaringJudicialEmergency.pdf ujs.sd.gov/uploads/news/COVID19UJSProcedures.pdf
TN	On March 25, 2020, the Tennessee Supreme Court issued an Order, which suspends most in-person hearings and prohibited any court official from taking any action "to effectuate an eviction, ejection, or other displacement from a residence."	April 30, 2020	R		tncourts.gov/sites/default/files/docs/order_-_2020-03-25t120936.486.pdf tncourts.gov/coronavirus
TX	On April 6, 2020, the Supreme Court of Texas issued the Ninth Emergency Order Regarding the COVID-19 State of Disaster, which halts residential eviction proceedings.	April 30, 2020	R		txcourts.gov/media/1446203/209045.pdf
UT	On April 1, 2020, Governor Herbert issued an Executive Order, which suspends evictions for a limited category of residential tenants.	May 15, 2020	R		drive.google.com/file/d/1DlvfcaMeSeUhfNmzr-3Cwo3DyZQZIO2l/view

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State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
VT	On March 25, 2020, the Vermont Supreme Court issued an Order extending its earlier suspension of all non-emergency hearings, which will likely delay any commercial or residential eviction proceedings.	April 15, 2020		X	vermontjudiciary.org/sites/default/files/documents/AO%2049%20-%20Declaration%20of%20Judicial%20Emergency%20and%20Changes%20to%20Court%20Procedures%20with%20amendments%20through%203-25-20.pdf
VA	On March 30, 2020, Governor Northam issued Executive Order No. 55, which directs that "[a]ll relevant state agencies shall continue to work with all housing partners to execute strategies to...to assist Virginians in avoiding evictions or foreclosures." On March 27, 2020, the Supreme Court of Virginia issued an Order extending its earlier suspension of all non-essential, non-emergency court proceedings, which will likely delay any commercial or residential eviction proceedings.	April 26, 2020	R/C		governor.virginia.gov/media/governorviriniagov/executive-actions/EO-55-Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-(COVID-19).pdf courts.state.va.us/news/items/2020_0327_scv_order_extending_declaration_of_judicial_emergency.pdf
WA	On March 18, 2020, Governor Inslee issued Proclamation by the Governor 20-19, which imposes a moratorium on residential evictions. On March 20, 2020, the Washington Supreme Court issued an Order, which continues all non-emergency civil matters, except those that can be over phone or video conference, and will likely delay any commercial or residential eviction proceedings.	April 17, 2020 April 24, 2020	R		governor.wa.gov/sites/default/files/proclamations/20-19%20-%20COVID-19%20Moratorium%20on%20Evictions%20%28tmp%29.pdf courts.wa.gov/content/publicUpload/Supreme%20Court%20Orders/Supreme%20Court%20Emergency%20Order%20re%20CV19%20031820.pdf
WV	On April 3, 2020, the Supreme Court of Appeals of West Virginia issued an Amended Order, which stays most in-person proceedings and court deadlines and will likely delay any commercial or residential eviction proceedings.	May 1, 2020		X	http://www.courtswv.gov/covid19/

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State	Order	Expiration Date	Residential ("R") / Commercial ("C")	Not Specific to Real Estate	Link to Relevant Materials
WI	On March 27, 2020, Governor Evers issued Executive Order No. 15, which prohibits most foreclosures and evictions for commercial and residential tenants.	May 26, 2020	R/C		evers.wi.gov/Documents/COVID19/EO15BanonEvictionsandForeclosures.pdf
WY	On April 1, 2020, the Wyoming Supreme Court extended its earlier March 18, 2020 Order, which suspends most in-person proceedings and will likely delay any commercial or residential eviction or foreclosure proceedings.	May 31, 2020		X	courts.state.wy.us/wp-content/uploads/2020/04/COVID19.Order-Ext-May31.pdf courts.state.wy.us/wp-content/uploads/2020/03/COVID-19-Order.pdf