

THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

POSTPONEMENT OF EVICTION AND FORECLOSURE PROCEEDINGS

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** On March 14, 2020, the Supreme Court of Georgia issued an Order Declaring Statewide Judicial Emergency limiting the operation of Georgia's Courts; and
- WHEREAS:** On March 23, 2020, I issued Executive Order No. 03.23.20.01 ordering the Department of Public Health to issue an order for certain persons to isolate, quarantine, or shelter in place within their homes or place of residence; and
- WHEREAS:** In Executive Order No. 03.23.20.01, I also ordered certain business to cease operations and for other businesses to limit the number of people allowed to gather within businesses in Georgia to no more than ten (10) at one time; and
- WHEREAS:** The number of COVID-19 cases in Georgia continues to rise; and
- WHEREAS:** To limit further spread of infections and to enable people to shelter in place or self-quarantine, it is necessary to postpone eviction and foreclosure proceedings throughout the state that would otherwise cause displacement and tax local medical and social services resources needed to treat and test vulnerable populations at risk of complications from the COVID-19 virus; and
- WHEREAS:** Code Section 38-3-51(d)(9) vests the Governor with the power to make provision for the availability and use of temporary emergency housing; and
- WHEREAS:** Code Section 38-3-22(b)(5) vests the Governor with the power to take such action and give such directions to state and local law enforcement officers and agencies as may be reasonable and

necessary for the purpose of securing compliance with emergency management orders; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

NOW, THEREFORE, PURSUANT TO THE AFOREMENTIONED GEORGIA LAW AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the right of property owners, property managers, mortgage holders, or other persons entitled to recover residential premises as of March 13, 2020, to file a dispossessory, to obtain a writ of possession because a tenant or homeowner is holding over after the expiration or termination of their tenancy or has failed to pay rent, utilities, or other fees shall be suspended as of March 27, 2020 at 5:00 p.m. and for the duration of Executive Order 03.14.20.01 and any extension of that order.

IT IS FURTHER

ORDERED: That innkeepers, as described in Code Section 43-21-1 *et seq.*, shall not terminate the occupancy of any guest who uses the premises as a primary residency nor shall any lien attach pursuant to Code Section 43-21-5 on the property of guests or their agents who use the premises as a primary residence for the duration of Executive Order 03.14.20.01 and any extension of that order.

IT IS FURTHER

ORDERED: That property owners, property managers, or other persons renting residential properties in the State of Georgia shall not be entitled to late fees, court costs, other contractual fees or penalties incurred after the issuance of Executive Order 03.14.20.01 and for the duration of that executive order and any extension thereof.

IT IS FURTHER

ORDERED: That all officers authorized to execute writs of possession on residential property or to serve dispossessory pleadings shall immediately cease executing said writs or serving process of pleadings in dispossessory cases for residential properties until the expiration of Executive Order 03.14.20.01 and any extension of that order unless a Court of competent jurisdiction finds that the execution of said writ or the service of process of a dispossessory action is necessary to promote and secure the health and safety of

other tenants or of the community at large and issues an order permitting the execution of the writ or service of process.

IT IS FURTHER

ORDERED: That the right of a mortgage holder, mortgage servicer, tax lien holder, other lien holder, or other person entitled to foreclose upon real property to conduct a judicial or non-judicial foreclosure sale pursuant to or in accordance with Code Section 9-13-140 *et seq.* shall be suspended until the expiration of Executive Order 03.14.20.01 and any extension of that order.

IT IS FURTHER

ORDERED: No public sales conducted pursuant to or in accordance with Code Section 9-13-140 *et seq.* shall be conducted for the duration of Executive Order 03.14.20.01 and any extension of that order.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions in this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

This 1st day of April 2020, at _____ A.M./P.M.

GOVERNOR