



April 1, 2020

The Honorable Brian P. Kemp
Governor
State of Georgia
206 Washington Street
Suite 203, State Capitol
Atlanta, Georgia 30334

Dear Governor Kemp:

We are a coalition of non-profits, attorneys, policy makers, academics, religious leaders, businesspeople, and elected officials who write to urge you to act quickly to issue a moratorium on evictions and foreclosures during the COVID-19 crisis.

We first thank you for your leadership during this unprecedented crisis. Georgia needs that leadership to ward off COVID-19's catastrophic threat to the public health, our families' and children's well-being, and our state's economy. But more must be done in the realm of housing policy to secure and prepare our state for the weeks and months to come.

As the recent stratospheric rise in unemployment insurance claims shows, COVID-19 is creating an economic crisis as businesses lay off workers in response to reduced consumer demand, stay-at-home orders, and the adoption of social distancing practices.

According to some recent polling, as many as 1 in 5 workers have had their hours reduced or lost their jobs. This in turn will create a new crisis: a housing and eviction crisis, as workers who lost much or all of their income will have difficulty paying rent or making their mortgage payments through no fault of their own. Banks and landlords will then foreclose on homeowners and evict tenants unable to make their monthly payments.

We urge you to take decisive action to head off this looming housing crisis. Foreclosures and evictions have long-lasting harmful impacts for families in the best of times. But they are particularly harmful during a pandemic, where they threaten not only the families of tenants and homeowners but the public health. Uprooted families and their children will move into overcrowded homeless shelters, temporary housing with friends or family, or extended-stay hotels. As they search for stable housing, their movement risks spreading COVID-19, increasing infection rates, overwhelming our already strained hospitals, and ultimately leading to more suffering and more death.

Atlanta Volunteer Lawyers Foundation 235 Peachtree St #1750, Atlanta, GA 30303
Georgia Appleseed 1600 Parkwood Circle SE, Suite 200 Atlanta, GA 30339

Non-voluntary moves during the pandemic will also put additional pressure on families' finances and physical and mental health, and their children's already disrupted schooling. In fact, there is good research that suggests that stressful events like foreclosure and eviction weaken the body's ability to fight off infection, making it more likely that displaced families will contract (and then spread) COVID-19. And at this moment children need stable homes more than ever, with regular access to internet for assignments, lessons, and communications with their teachers and peers. Stable housing is therefore critical to Georgia's public health and economy.

Other authorities have not taken sufficient action to protect us from these inevitable impacts. Though some federal, state, and local authorities have acted to halt temporarily some foreclosures and evictions, these measures leave significant numbers of Georgia citizens vulnerable. For example, the federal stimulus bill provides a moratorium on evictions from rental properties that are federally subsidized or subject to federally backed mortgages. It similarly prevents foreclosures on federally backed mortgages. But these protections, while important, do not cover a large number of Georgia homeowners and tenants.

And the Georgia Supreme Court's 30-day moratorium on non-essential judicial functions does not impact non-judicial foreclosures and does not directly reference evictions. As a result, in many Georgia counties magistrate courts continue to accept eviction filings and issue writs of possession, and marshals and sheriffs continue to enforce these writs of possession and put families out of their homes. And families living in extended-stay motels have virtually no protections at all.

The lack of a unified directive leaves Georgians vulnerable and creates confusion. Tenants and homeowners are unsure as to whether they are secure in their homes for the duration of this crisis or instead are vulnerable to displacement. And as discussed above, Georgia courts have taken different approaches to the Georgia Supreme Court's declaration of a judicial emergency, some of which may have devastating consequences.

Thus, this is an area where the executive can, should, and must act. Indeed, the first recommendation of your Coronavirus Task Force's Subcommittee on Homeless and Displaced Persons is to "stay evictions and ask landlords to halt evictions." We ask that you accept their recommendation and exercise your emergency powers authority to halt temporarily all residential foreclosures and evictions in order "to promote and secure the safety and protection" from the COVID-19 epidemic. Doing so ensures safe and stable housing during the crisis. You plainly have the authority under O.C.G.A. §§ 38-3-51. We have attached a draft executive order that would protect Georgia families - whether they own their homes, rent their homes, or live in an extended stay motel.

The proposed order temporarily would do the following for the duration of Executive Order 03.14.20.01 and any extensions of that Order:

- Protect tenants and homeowners from eviction for holding over after a lease-term has ended or because they cannot afford the rent, except where the eviction is necessary to promote and secure the health and safety of other tenants or of the community at large.
- Protect families living in extended-stay motels from being put out for non-payment.
- Protect families from fees for late rent payments.
- Protect homeowners from foreclosure.

Notably, it does not relieve families from their obligation to pay rent or their mortgages. And it does not prevent landlords from evicting tenants who present other health and safety risks. We appreciate and understand that many landlords are small business owners themselves (most of whom have mortgages to pay) and have also been crushed by the consequences of the COVID-19 pandemic. It seems clear to us that another policy solution will be needed to ensure landlords and mortgage holders are fairly compensated and that tenants and homeowners are given appropriate options to modify their leases or mortgages or receive payment assistance to dig their way out from under this crisis. We would be happy to work with your office on such a solution. But that is another issue for another day. The risks of displacement during a pandemic and the attendant public health consequences are too great to risk delay.

We urge you to act now to suspend evictions and foreclosures for the duration of the COVID-19 public health emergency.

Very Respectfully,

The Elected Officials, Non-profit and Business Organizations, and Religious Institutions listed as Signors below.

Enclosure (Alphabetical List of Signors)

cc: Speaker David Ralston, Lt Governor Geoff Duncan, Chief Justice Harold Melton Darrell Sutton

SIGNORS:

Elected Officials:

Rep. Sharon Cooper	Rep. Spencer Frye
Sen. Gloria Butler	Rep. Angelika Kausche
Rep. Becky Evans	Rep. Camia Hopson
Rep. Dar'shun Kendrick	Rep. David Wilkerson
Rep. Debbie Buckner	Rep. Dewey McClain
Rep. Donna McLeod	Rep. El-Mahdi Holly
Rep. Jasmine Clark	Rep. Josh McLaurin
Rep. Kim Schofield	Rep. Mary Margaret Oliver
Rep. Matthew Wilson	Rep. Michele Henson
Rep. Park Cannon	Rep. Pedro Marin
Rep. Teri Anulewicz	Rep. Viola Davis
Rep. Kimberly Alexander	Sen. Elena Parent
Sen. Steve Henson	Sen. Nan Orrock
Jason Esteves (At-large, seat 9 APS Board of Education)	

Organizations, non-profits and businesses (alphabetical list in enclosure):

Atlanta Volunteer Lawyers Foundation	Georgia Appleseed Center for Law and Justice
Habitat for Humanity of Georgia	United Way of Greater Atlanta
Enterprise Community Partners	Gateway Center
CareSource	GeorgiaACT
Georgia Budget and Policy Institute	Housing Justice League
Voices for Georgia's Children	The Carter Center, Mental Health Program
Regional Commission on Homelessness (Co-chair Edward J. "Jack" Hardin)	Quest Community Development Organization, Inc.
HouseATL	Atlanta Housing Authority
Community Foundation for Greater Atlanta	Cobb Community Foundation
Center for Community Progress	ACLU of Georgia
National Consumer Law Center	Metro Fair Housing Services, Inc.
Alpha Phi Alpha Fraternity, Inc. - Georgia District Association	Georgia Association of Community Service Boards
Asian Americans Advancing Justice - Atlanta	The Center for Victims of Torture
Sophisticated Sisters	Healthy Savannah
North Georgia Low Income Taxpayer Clinic	Project Community Connections, Inc.

Atlanta Volunteer Lawyers Foundation 235 Peachtree St #1750, Atlanta, GA 30303
Georgia Appleseed 1600 Parkwood Circle SE, Suite 200 Atlanta, GA 30339

Mental Health America of Georgia
Truancy Intervention Project
Habersham County United Way
United Way of the Chattahoochee Valley's
United Way of Central Georgia
United Way of Hall County
United Way of Northwest Georgia
United Way of the CSRA
United Way of Thomas County
Meals on Wheels of Baldwin Co.
National Incarceration Association
Latino Community Fund (LCF Georgia)
Focused Community Strategies
National Domestic Workers Alliance
Georgia Association of Latino Elected
Officials (GALEO)
Walton Options
Georgia AIDS Coalition
Los Vecinos de Buford Highway
The International Rescue Committee in
Georgia
United Way of Forsyth County, Inc.
National Multiple Sclerosis Society District
Georgians for a Healthy Future
Wound Care Clinic-ESU, Inc.
Los Vecinos de Buford Highway
Thomas County Family Connection
Hope Harbour
Decatur Education Foundation
Homeless Resource Network
Sexual Assault Support Center, Inc.
Atlanta Land Trust, Inc.
Center for Sustainable Communities
Valley Interfaith Promise
Georgia Early Education Alliance for Ready
Students (GEEARS)
Whitfield Cnty Family Conn. (Lori McDaniel)
Latin American Association
Campbells Outreach
Rebuilding Together - Warner Robins
Immigrant Hope - Atlanta
Greater Dalton Habitat for Humanity

Reform Georgia
Georgia Supportive Housing Association, Inc.
Parent Avengers Inc.
St. Anne Community Outreach
Ser Familia, Inc
North Georgia Community Action, Inc
Northwest Georgia Family Crisis Center
Sandy Springs Together
Depaul USA Daybreak
Presencia Inc.
The Salvation Army
Center for Pan Asian Community Services, Inc.
NAMI - National Alliance on Mental Illness
Southern Center for Human Rights
Dalton-Whitfield Community Development
Corporation
Emmaus House Soup Kitchen
New American Pathways
9to5 National Association of Working Women
Atlanta Neighborhood Development
Partnership
Thomasville Community Resource Center
Community Outreach Training Center, Inc.
Los Ninos Primero, Inc.
Coalition of Refugee Services Agencies
Volunteers for Literacy of Habersham County
Park Place Outreach, Inc.
Deep Center
T.I.A. Through It All
Warming Hearts of GA Ministry
Savannah/Chatham CASA
Georgia Stand-Up
Warner Robins Day Care Center Inc.
Central Atlanta Progress
National Association of Social Workers -
Georgia Chapter
Southern Jewish Resource Network, Inc.
Volunteers of America Southeast
Compassionate Atlanta
Mercy Housing Southeast
The GreenHouse CAC/SAC
Truly Yours

Home for Good - A Program of the United
Way of the Chattahoochee Valley
The KE Team - Residential Real Estate
Dan Immergluck, Professor at Georgia State
University
CRM, LLP
Community Rabbi

Conasauga Mental Health Court (Angela
Anderson)
The Thomas Agency
A Home For Everyone In DeKalb, A
Collaborative Initiative on Homelessness
Seneca, Choices for Life

Religious Institutions (alphabetical list in enclosure):

United Methodist Church, North Georgia
Conference (Bishop Sue Hauptert-Johnson)
Central Presbyterian Church (Pastor Jessica R.
Patchett)
Decatur Presbyterian Church Threshold
Ministry
MUST Ministries
Unite Network
Temple Israel, Columbus, Georgia
Presbyterians for a Better Georgia
Grace of God Gospel
Family Advancement Ministries

Decatur First United Methodist Church (Sr.
Pastor Dalton Rushing)
Threshold Ministry- Decatur Presbyterian
Church
Jewish Community Relations Council of
Atlanta
The Temple
Temple Beth Tikvah
First Baptist Church of Dalton, GA
Congregation Bet Haverim
Buckhead Christian Ministry
Chattahoochee Valley Episcopal Ministry

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