



Landlord-Tenant FAQ During COVID-19

The Magistrate Court of Fulton County is creating solutions during the COVID-19 pandemic to handle the pending Landlord-Tenant cases. Between March 14, 2020 and July 14, 2020 due to the Statewide Judicial Emergency, Magistrate Court handled only Electronic Search and Arrest Warrants (24/7) and First Appearance hearings (6 days a week). Last year, Landlords filed 45,000 landlord-tenant cases in Fulton County. At the time of the first declaration of Judicial Emergency, 352 cases had been scheduled but not heard and the court was projected to equal the number of 2019 filings. During the five (5) month delay, Landlords continued to file 2200 cases, creating a backlog which the court is addressing, starting from the oldest cases to the newest.

Q. What has Magistrate Court done to address landlord-tenant cases during the COVID-19 public health emergency?

A. To inform, engage and empower our community, the Court issued several Guidances and Orders of Business, updated the Administrative Office of the Courts COVID site, as well as our website and social media, held and participated in public town halls, NPUs and community meetings to ensure the public and court users were aware of the Court's processes and plans during the continuing Statewide Judicial Emergency.

The Court divided landlord-tenant cases into three categories: 1) those ripe for hearing before the Judicial Emergency; 2) those filed before the Federal CARES Act became effective; 3: those filed under the CARES Act. Following the Court wide sanitization, the Court held in-person landlord-tenant mediation only calendars the week of June 22, 2020, scheduling all cases in category 1. On site for mediation were two community partners offering rental assistance, as well as attorneys from the **Housing Court Assistance Center** and **Atlanta Legal Aid**. Working with Landlords, **Star C Apartment Eviction Relief** identified over 7,000 eligible units within Fulton County and provided a 40/40 cost share with the Tenant to support rental payments to the Landlord and Tenant sustainability (with the Landlord forgiving or providing the remaining 10%). **Hosea Helps** also provided a cost share with the Tenants and housing support. As of August 1, 2020, the **Urban League of Greater Atlanta** has also joined as an eviction relief as well as transitional housing support for Fulton County.

As Fulton County and Justice Center positive cases increased, circumstances forced the court to postpone further in person hearings. However, in an effort to continue hearing cases the Magistrate Court adopted the Standing Order on Proceedings During and Following Statewide Judicial Emergency on July 13, 2020. In this standing order we explained that for all case types, including Landlord-Tenant cases, we would hold hearings via Zoom Videoconference only. And have proceeded to do so as Information Technology makes hybrid zoom hearings, with evidence presentation capability available. These hearings require the consent of both parties.

Q. Do these orders mean that the tenant will never have to pay back rent?

A. No. All rents remain due and will continue to accrue. The court has collaborated with three community partners to provide rental assistance and aid the parties reimagine eviction as the cure for

rental default. Once cases resume, whether in person or via Zoom, the court will award judgements based on evidence of unpaid rent and property damages.

Q. How can court hearings happen safely during the Statewide Judicial Emergency and Pandemic?

A. To ensure the safety of the community, we are only conducting hearings via Zoom Videoconference. To have a hearing via Zoom, BOTH parties must voluntarily consent to Zoom using a consent form included in the Standing Order. If both parties do not consent or do not return the form, the case is placed on hold until the Court can safely resume in-person hearings or technology becomes available to the Court that will allow one party to be remote via Zoom and one party to be in the courtroom.

Q. When will the Marshal's Office begin distributing Notices and Evictions?

A. Marshals began distributing First Notices on Writs on July 20, 2020 and began eviction actions August 13, 2020. These were only for cases filed and writs issued before March 14, 2020. The majority of these writs have been executed.

Q. Do Dispossessory cases require an affidavit?

A. It depends. Any cases filed March 28, 2020-July 25, 2020 require that the Landlord file a CARES Act affidavit. This affidavit is a sworn statement that the affected property is not covered by the protections offered in the CARES Act.

As of September 4, 2020, the Centers for Disease Control will publish an Eviction Moratorium, effective until December 31, 2020, requiring that the Tenant/Renter present the Landlord with a declaration that the Tenant is not subject to eviction for nonpayment of rent if they:

- a. Meet the income qualification criteria – tenant received a 2020 federal stimulus, or has income less than \$99,000 single or \$198,000 joint, or did not pay taxes in 2019;
- b. Are unable to pay rent due to Covid-related concerns –income loss or extraordinary out of pocket medical expenses;
- c. Would become homeless or need to ‘double up’ if evicted; and
- d. Will still make partial payments "using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may permit, taking into account other non-discretionary expenses.

Q. Who can I contact for help?

A. If you would like assistance with your landlord-tenant proceeding please contact:

Housing Court Assistance Clinic 404-333-6243 <https://avlf.org/hcac> hcac@avlf.org

Atlanta Legal Aid Society 404-524-5811

Star C Eviction Relief Fund <https://www.star-c.org/eviction-relief/> 404-698-3781 hello@star-c.org

Hosea Helps Homeless Prevention Program 404-755-3353

Urban League of Greater Atlanta NJohnson@ulgatl.org 404-931-6205