

## **EXTENSION OF STATE MORATORIUM ON EVICTIONS; UPDATE ON FEDERAL LEGISLATION**



Recently, Governor Whitmer issued Executive Order 2020-85 in order to extend the moratorium on residential evictions through June 11, 2020, due to the expiration of Executive Order 2020-54 on May 15. As with the previous orders, landlords are not allowed to issue 7 day demands for possession, and there can be no removal of anyone from their premises unless the tenant poses a substantial risk to another person or an imminent and severe risk to property. Based on recent experience with a District Court, the courts are not well equipped to handle these "emergency" situations, notwithstanding the language of the Executive Order.

We are also keeping an eye on the HEROES Act legislation that was narrowly passed on Friday, May 15 in the U.S. House of Representatives. The legislation covers a wide range of issues, and among other things, proposes to extend the current CARES Act moratorium on evictions (which currently applies only to properties with federally backed mortgages or subsidized housing) to all rental units of any kind, and proposes to extend this broad moratorium for a period of twelve months. The Act would also place a moratorium on initiating or proceeding with a home foreclosure (either judicial or non-judicial) for another six months. Most commentators believe that the HEROES Act is "dead on arrival" in the Senate, given the current political climate, but will be the starting point for further negotiations. We will continue to monitor the legislation, as well as any other developments on the federal level.

Please contact [Phillip J. Neuman](#) with any questions about the state or federal moratoriums, or any other eviction-related and landlord/tenant issues.