



On October 15th, the Governor issued his latest Executive Order, D 2020 223.

KEY FACTS:

Issued: October 15, 2020

Expires: November 14, 2020

Caveat: Late Fee Prohibition Remains in Effect Through December 31, 2020

KEY ISSUES:

Rent Demands:

- Extends 30 day rent demand until November 14th
- The 30 day rent demand applies to ALL Landlords (residential and commercial).

Late Fees:

The Order establishes a ban on late fees with no exceptions effective October 15. Landlords cannot charge late fees until January, 2021. Late fees can be charged beginning with January 2021.

Landlords Should Review Their Rent Ledgers To Ensure Compliance:

Late fees are prohibited starting October 15, 2020. Late fees that were charged before October 14th are ok and can be collected. Given this unusual scenario and hard cut off date for

late fees, TS strongly recommends for you to review all ledgers to ensure compliance.

CDC Documentation:

The Order expands the requirements to send CDC Order and Declaration to tenants. Now, landlords must include the CDC Order and the Declaration must be provided in both English and Spanish. Additionally, landlords must send tenants a letter provided by the Division of Local Affairs (DOLA Letter). TS will post complete eviction notice packages to our website soon and will alert you via email when those packages are ready. Remember, we have both integrated packages (includes everything including the eviction notice), and stand alone packages to be used if you have already served an eviction notice (doesn't include eviction notice but all CDC / Governor required documents).

ANTICIPATED FREQUENTLY ASKED QUESTIONS

#1 - Do Landlords need to re-serve any existing eviction demands that don't have the CDC Order and Declaration in Spanish and the DOLA Letter?

NO. You do not have to re-serve any eviction notices, but you must serve all other required documents. Thus, whether you do or not depends on what you have already served. Pursuant to the new Executive Order you are required to serve:

1. [CDC Order](#)
2. [Declaration in English](#)
3. [Declaration in Spanish](#)
4. [DOLA's Model Letter](#)

So if you haven't served all four of these items you are required to serve any item you have not served. It may be easier to just re-serve all four items.

#2 - Do Landlords need to re-serve rent demands or need to remove late fees that accrued prior to this Order?

NO. Executive Order 223 does not require rent demands to be re-served and has a hard cutoff date for the imposition and collection of late fees (October 14). Thus, late fees assessed prior to October 14 are OK and can be collected.

#3 - The copy of the Model DOLA letter that I have states (at page 2, bullet point 2) that the CDC Order does not prevent landlords from charging late fees. Does that override the Governor's Order 223 and mean that I can charge late fees? Should I use this Version of the DOLA Model Letter?

NO. This is clearly contrary to the EO 223 and incorrect. We contacted DOLA, pointed this out, requested that DOLA revise their letter, and they have informed us they are in the process of doing so. In the meantime we have provided a model letter that tracks with the Governor's Order 223. Until DOLA revises the "official version", please use our revised version which complies with the spirit and letter of EO 223.

#4 - Eviction notice packets with all of the required documents can be found at:

thslawfirm.com/evictions/eviction-forms