EXECUTIVE ORDER 2020-49
CONTINUED POSTPONEMENT OF EVICTION ACTIONS
July 29, 2020

On July 16, 2020, Governor Doug Ducey issued Executive Order 2020-49 to continue the postponement of eviction actions through October 31, 2020. The new Executive Order extends the existing eviction delay order issued by Governor Ducey on March 24, 2020. In addition, beginning August 22, 2020, there will be additional requirements for renters in order to be covered under the new Order.

July 23, through August 21, 2020
Beginning July 23, 2020, through August 21, 2020, everything remains the same. A renter may continue to qualify for an eviction postponement if the following conditions are met:

- The individual is required to be quarantined based on their diagnosis of COVID-19;
- The individual is ordered by a licensed medical professional to self-quarantine based on symptoms of COVID-19;
- The individual is required to be quarantined based on someone in the home being diagnosed with COVID-19;
- The individual demonstrates that they have a health condition, as defined by the CDC, that makes them more at risk for COVID-19 than the average person;
- The individual suffered a substantial loss of income resulting from COVID-19, including:
  - Job loss;
  - Reduction in compensation;
  - Closure of place of employment;
  - Obligation to be absent from work to care for a home-bound school-age child; or
  - Other pertinent circumstances.

August 22, through October 31, 2020
Beginning August 22, 2020 through October 31, 2020, the conditions outlined above remain the same, however renters:

- Must now notify rental property owners in writing of their “ongoing” financial hardship due to COVID-19 and request a “payment plan;” and
- Provide the property owner a copy, with any available supporting documentation, of proof of submission of their completed application for rental assistance through a state, city, county or nonprofit program.
Resources for Renters

When a resident does reach out, be sure to provide them with the resources available to them if they are struggling to pay rent. There are over $80 million in accessible rental assistance and eviction prevention dollars for renters through various state, municipal, and non-profit agencies, with another $50 million anticipated to supplement those funds.

Larger Rental Assistance programs:

- Phoenix ($25M)
- Maricopa County ($34M)
- Glendale ($6M)
- Mesa ($1M)
- Pima County ($600k)
- Tucson ($7M)
- Coconino County ($210k)

The AMA, as well as the AZ Department of Housing have developed resource guides for rental assistance. Additionally, the AZ Department of Economic Security has developed a guide for navigating resources available, and residents may be directed there for unemployment insurance if they have lost income or employment as a result of COVID-19.

Resources for Property Owners

As some property owners are struggling to pay their mortgages, the Governor’s office also allocated $5 million to a Foreclosure prevention program. While the program has not yet been rolled out, it is anticipated that $2.5 million will be set aside for properties of 20 units or less, and another $2.5 million for properties with 21 or more units. A property will not need to be at immediate risk of foreclosure to qualify for funds but must demonstrate a loss of rental income as a result of COVID-19.
Tenant Name: 
Address: 
Phone Number: Email Address:

TENANT ATTESTATION

I. PROOF OF ONGOING AND SUBSTANTIAL ECONOMIC LOSS UNDER SECTION 3(A) OF THE EXECUTIVE ORDER

☐ Tenant hereby attests that it has an ongoing and substantial economic loss caused by COVID-19 and has provided the following documentation required under EO 2020-49 in support thereof:

Check all that apply:
☐ Letter from Employer Verifying Loss of Employment
☐ Letter from Employer Verifying Reduction in Earnings
☐ Paystub Showing Current Reduction in Income
☐ Recent Application for Unemployment Benefits
☐ Other: __________________________________________

II. PROOF OF APPLICATION FOR RENTAL ASSISTANCE UNDER SECTION 3(A) OF THE EXECUTIVE ORDER

☐ Tenant has applied for rent assistance through one of the following rental assistance providers:

☐ AZ Dept. of Housing ☐ Pima County Community Action Agency ☐ Catholic Community Services
☐ Chicanos Por La Causa ☐ Old Pueblo Community Services ☐ Primavera ☐ PPEP ☐ St. Vincent de Paul
☐ Maricopa County Community Action Program ☐ Glendale Housing ☐ Pima County Emergency Assistance
☐ City of Phoenix Family Services ☐ Other Program: __________________________________________

Date of application: ____________________

Proof of Submission of Completed Pending Application for Rental Assistance:

Check all that apply:
☐ Copy of Rental Assistance Application
☐ Email Verification from the Rental Assistance Provider of the Submission of a Complete Application for Rental Assistance.
☐ Official Documentation from Rental Assistance Provider Confirming Approval of Rental Assistance Application.
☐ Other: __________________________________________

** By acknowledging the filing of an application for rental assistance Tenant hereby agrees to provide any and all information required by the rental assistance provider and promptly notify Landlord of the approval or denial of the rental assistance application. Failure to provide necessary information to the rental assistance provider may result in the filing of a motion to compel seeking the execution of the writ of restitution in the interest of justice.
III. PAYMENT PLAN UNDER SECTION 3(B) OF THE EXECUTIVE ORDER

Tenant hereby agrees to make the following payments to and Landlord agrees to accept the following payments according to the following schedule:

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IV. ACKNOWLEDGMENT THAT THE LEASE REMAINS IN EFFECT

I/we, __________________________, __________________________, __________________________, are parties to a lease agreement for the lease of unit number ______ at _______________________. I hereby acknowledge and affirm my/our obligations under the terms of the lease remain in full force and effect.

Tenant Name: __________________________ Date: ____________

Tenant Name: __________________________ Date: ____________

Tenant Name: __________________________ Date: ____________

Tenant Name: __________________________ Date: ____________

Name: __________________________ Date: ____________

Authorized Agent for Landlord
State of Evictions in Arizona During the COVID-10 Pandemic? CARES Act and Executive Order 2020-29 Summary

What is the Basis of the Eviction?

Covered Property/Covered Dwelling Unit is Defined as Follows:
1. Section 8 Project Based Housing;
2. Public Housing;
3. HUD- Subsidized senior housing;
4. Other HUD-subsidized housing;
5. USDA- subsidized housing;
6. Low Income Tax Credit housing; or
7. Property with a FEDERALLY BACKED MORTGAGE (i.e. Fannie Mae or Freddie Mac Loan)

Non-renewals of tenancies are not expressly covered in the Executive Order nor are they expressly excluded. Court’s have varying opinions on the applicability of the Executive Order on non-renewals

Non Payment of Rent

Do you live in a Covered Property/Covered Dwelling Unit?

Yes = Issue 30 Day Notice to Pay or Quit

File Eviction Upon Expiration of Notice and Obtain Judgement

Effect of Executive Order 2020-49 on the Writ of Restitution

If Condition Met then Delay of Writ through October 31, 2020

Effective August 21, 2020, a tenant seeking relief under the Executive Order must meet the following burden of proof:
1. Establish that the tenant has suffered a substantial financial loss as a result of COVID-19 (i.e. notice of termination from employer, copy of paystubs indicating reduction in earnings, proof of filing for unemployment benefits, etc.);
2. Request, in writing, a payment plan with the landlord; and
3. Provide “proof of submission of their completed pending application for rental assistance through a state, city, county, or non-profit organization.”

No = Issue 5- Day Notice to Pay or Quit

To Qualify for Relief under Executive Order 2020-49 the following conditions must exist:
1. The individual is required to be quarantined based on their diagnosis of COVID-19.
2. The individual is ordered by a licensed medical professional to self-quarantine based on their demonstration of symptoms as defined by the Centers for Disease Control and Prevention.
3. The individual is required to be quarantined based on someone in the home being diagnosed with COVID-19.
4. The individual demonstrates that they have a health condition, as defined by the Centers for Disease Control and Prevention, that makes them more at risk for COVID-19 than the average person.
5. The individual suffered from a substantial loss of income resulting from COVID-19 including:
   a. Job loss;
   b. Reduction in compensation;
   c. Closure of place of employment;
   d. Obligation to be absent from work to care for a home-bound school-age child; or
   e. Other pertinent circumstances.

To qualify for relief a tenant must present the landlord with a written statement indicating the tenant’s eligibility under the criteria set forth above and must acknowledge the tenant’s responsibility to perform as required under the terms of the lease.

Write of Restitution To Issue as Awarded in Judgment

Not Covered Under CARES ACT

IT DEPENDS

Not Applicable