Court News ...

2020-04-30-02

The Supreme Court of South Carolina

RE: Statewide Evictions and Foreclosures

ORDER

In recognition of the difficulties the COVID-19 pandemic has had on institutions, individuals, and court personnel, and on the basis that increased housing insecurity and homelessness would worsen the threat posed by the illness, a statewide moratorium on evictions and foreclosures proceedings was ordered.

I FIND it is now appropriate to review the moratorium on judicial proceedings concerning evictions and foreclosures. Recent enactment of the Coronavirus Aid, Relief, and Economic Security Act has made it possible for some facing eviction or foreclosure to honor their financial obligations and allows others to avoid ejectment.

Pursuant to provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that all evictions currently ordered and scheduled statewide shall resume May 15, 2020. Furthermore, the court shall accept applications for ejectment, schedule hearings, issue writs or warrants of ejectment, and proceed in any other manner necessary regarding evictions beginning May 15, 2020.

IT IS FURTHER ORDERED that Master-in-Equity courts statewide shall resume foreclosure hearings, foreclosure sales, issuing writs of assistance and writs of ejectments, and proceed in any other manner regarding foreclosures beginning May 15, 2020.

IT IS FURTHER ORDERED that the judge shall require the person or entity pursuing eviction or foreclosure to certify in writing that the real estate at issue is not subject to the limitations and requirements of the federal Coronavirus Aid, Relief, and Economic Security Act. If the real estate is subject to the restrictions of the Coronavirus Aid, Relief, and Economic Security Act, the eviction or foreclosure proceeding shall terminate without any action taken.

IT IS FURTHER ORDERED that these eviction and foreclosure hearings shall comply and proceed in accordance with the April 22, 2020 Amended Order Regarding Operation of the Trial Courts During the Coronavirus Emergency, particularly the provisions regarding remote hearings and limiting the number of persons in the courtroom.

IT IS FURTHER ORDERED that any in-person hearings held pursuant to this order must be staggered as not to create large gatherings of people. There shall be at least 30 minutes between the ending of a hearing and the beginning of another. This will reduce the number of people at the court and allow any necessary cleaning of the facility. In-person hearings are the exception not the rule.

Judges should not hold in-person hearings if doing so unreasonably risks the health of judicial staff or litigants. Judges are authorized to require that everyone attending in-person hearings wear a mask or other facial covering. This order does not require the opening of a closed courthouse or office, or the recall of employees working from home.

This Order supersedes the Statewide Evictions and Foreclosures Order dated March 18, 2020.

s/Donald W. Beatty
Donald W. Beatty
Chief Justice of South Carolina

Columbia, South Carolina
April 30, 2020