FILED
OCT 02 2020
CLERK SUPREME COURT

**In the Iowa Supreme Court**

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| **In the Matter of Ongoing Provisions for Coronavirus/COVID-19 Impact on Court Services** | ) ) ) | **October 2, 2020 Order** |

**This order supplements previous supervisory orders relating to the spread of the novel coronavirus/COVID-19.** On September 4, 2020, the federal Centers for Disease Control and Prevention (CDC) issued an order entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19" (CDC Order). The CDC Order is available at https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19.

To implement the CDC Order, the supreme court directs as follows:

1. The accompanying "Evictions Declaration," including instructions, is hereby approved by the court to implement the CDC Order. The Evictions Declaration is available on the Iowa Judicial Branch website. Persons may also use the declaration form available on the CDC website at https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf.

2. Through December 31, 2020, if the court determines in a forcible entry and detainer (FED) action that a signed Evictions Declaration has been provided to the landlord or owner by the tenant(s), lessee(s), or resident(s) of a property covered by the CDC Order, and that the FED action is based on nonpayment of rent or failure to make a housing payment, the court shall continue the FED action to a date after December 31, 2020, or if necessary, dismiss it without prejudice. If judgment has already been entered, enforcement of the judgment shall be stayed through December 31, 2020.

3. All adults listed on the lease, rental agreement, or housing contract for the property must complete and sign an Evictions Declaration.

4. This order does not prevent the eviction of a tenant, lessee, or resident for a reason other than the nonpayment of rent, including grounds set forth in Iowa Code sections 648.1(1), (3), (4), and (6). This order also does not prevent evictions pursuant to section 648.1(2) where the lease was terminated for a reason other than the nonpayment of rent.

5. Paragraphs 37, 39, and 40 of the court's May 22, 2020 supervisory order shall apply to proceedings covered by this supervisory order. Paragraph 40 of the May 22 order provides: "**Peaceable possession**. Although Iowa Code section 648.18 provides that '[t]hirty days peaceable possession with the knowledge of the plaintiff after the cause of action accrues is a bar to this proceeding,' the court clarifies that the section 648.18 bar does not apply where the plaintiff could not have initiated proceedings under chapter 648 due to a state or federal moratorium."

6. This supervisory order does not preclude a party from challenging the validity of the CDC Order.

Dated this 2nd day of October, 2020.

**The Iowa Supreme Court**

By

Susan Larson Christensen, Chief Justice

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