**PMO-SJC-6**

# STATE OF MAINE JUDICIAL BRANCH
# PANDEMIC MANAGEMENT ORDER

Order Issued July 21, 2020

## Emergency Rules from the Supreme Judicial Court for Forcible Entry and Detainer (Eviction) Cases

On March 13, 2020, the Supreme Judicial Court issued an Emergency Order suspending Forcible Entry and Detainer ("eviction") cases. That Order was later modified by PMO-SJC-1 and again by the State of Maine Judicial Branch COVID-19 Phased Management Plan (the "Plan") issued on May 27, 2020. The court has not scheduled or heard eviction cases since March 13, 2020.[1] The Plan provides that beginning in Phase 4 (August 3-September 4, 2020), the Court will lift the restriction on scheduling and hearing evictions.

To aid individuals and businesses harmed by the pandemic, the federal government enacted the Coronavirus Aid, Relief, and Economic Security Act (15 U.S.C. §§9057 & 9058) (the "CARES Act"). The CARES Act provides a temporary moratorium on eviction filings as well as other protections for tenants in certain rental properties with federal assistance or federally-related financing. Various other federal agencies and programs also issued moratoria on foreclosures and evictions for certain covered dwellings. Plaintiffs in Maine seeking to recover possession of property through eviction actions may be subject to the federal moratoria on evictions imposed through the CARES Act and by other federal agencies and programs. Actions subject to the federal moratoria include property considered to be "covered dwellings" or certain single-family and multi-family rental properties receiving or benefitting from federal assistance or federally-related financing.

All plaintiffs in eviction actions initiated between March 18, 2020 and August 31, 2020, or on further order of the court, must therefore verify that the property at issue in the eviction action is not a "covered dwelling" under the Cares Act or otherwise subject to federal agency moratoria and programs prohibiting evictions. If a plaintiff fails to submit verification that the property is not a "covered dwelling", the eviction action may be dismissed, as the moratoria prohibit "initiation" of eviction actions.

Pursuant to the Plan's preference for remote court proceedings, every eviction action will first be scheduled for an initial telephonic status conference before being referred to mediation, when appropriate, or being scheduled for a final hearing. Hearings will be scheduled held in person at the courthouse unless otherwise ordered by the court

[1] The Governor issued an Executive Order on April 16, 2020 ("Executive Order 40"), which prohibited the courts from issuing writs of possession in judgment for evictions issued prior to March 18, with certain exceptions. During Phases 1-3, the Plan only allowed certain requests for writs of possession as provided in Executive Order 40.

or agreed upon by the parties and the court during the telephonic conference, or upon the granting of a party's motion to participate remotely at the final hearing.

The following procedures shall apply to eviction actions, effective immediately, until August 31, 2020, or further order of the Court:

1. This Order does not supersede or circumvent the limitation on the issuance of Writs of Possession as set forth by Executive Order 40.

2. Every plaintiff who files an eviction action on or before August 31, 2020 must file a Forcible Entry and Detainer Cares Act or Federal Program Verification form (the "Verification form") along with the complaint certifying under oath that the property involved in the matter is not a "covered dwelling" or otherwise subject to federal or federally-related moratoria on evictions. Plaintiffs must use the Verification form attached to this Order as Appendix A.

3. For all eviction actions filed between March 18, 2020 and this Order's effective date, every plaintiff must supplement the already-filed complaint with a supporting affidavit certifying under oath that the property involved in the matter is not subject to federal or federally-related moratoria on evictions. Plaintiffs must use the Verification form attached to this Order as Appendix A.

4. All eviction actions will be scheduled for initial telephonic status conferences unless otherwise ordered by the trial court.

5. Plaintiffs must file the Verification form, if required, before the initial telephonic status conference. If any plaintiff fails to file the Verification form by the date of that conference, the trial court will dismiss the case, without prejudice.

Dated: July 21, 2020

For the Court:

/s/
Andrew M. Mead
Acting Chief Justice

**EXHIBIT A**

**STATE OF MAINE**

DISTRICT COURT
Location_____
Docket No._____

_____
Plaintiff

v.

CARES ACT VERIFICATION FOR
FORCIBLE ENTRY AND DETAINER

_____

_____
Defendant(s)

*Instructions:*

- This Verification provides the court information related to temporary requirements imposed by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, 15 U.S.C. § 9058, on certain eviction actions.
- This CARES Act Verification form must be completed and filed along with the complaint in any eviction filed between March 27, 2020 until further order of the Maine Supreme Judicial Court.

*If you do not understand how to complete this form, or if you are unsure whether you should use this form, you should speak with an attorney.*

I CERTIFY THE FOLLOWING:

1. This eviction is based on a landlord-tenant relationship: ___ YES ___ NO

2. The current tenancy is now or has in the past been subject to either a Section 8 or USDA Housing Choice voucher: ___ YES ___ NO

3. The property involved in this matter is subject to the following federal programs:
*(Check each that applies, if any)*

A. ___ Public Housing
B. ___ Project Based Section 8 Housing
C. ___ Section 202 elderly housing
D. ___ Section 811 housing for people with disabilities
E. ___ Section 236 multifamily rental housing
F. ___ Section 221 Below Market Rate (BMR) housing
G. ___ HOME Investment Partnership Program
H. ___ Housing Opportunities for Persons with AIDS (HOPWA) Program
I. ___ McKinney-Vento Act housing
J. ___ Section 515 United States Department of Agriculture (USDA) rural housing
K. ___ Section 514/516 USDA farm labor housing
L. ___ Section 533 USDA housing preservation

M. ___ Section 538 USDA multifamily housing
N. ___ Low-Income Housing Tax Credit (LIHTC) Program

4. The property involved in this matter was subject to a mortgage issued or guaranteed by the following federally connected entities:
*(Check each that applies, if any)*

A. ___ Federal Housing Administration (FHA)
B. ___ Veterans Administration (VA)
C. ___ United States Department of Agriculture (USDA) direct loan
D. ___ USDA guaranteed loan
E. ___ Fannie Mae
F. ___ Freddie Mac

5. I received a mortgage forbearance on the property involved in this matter between March 27, 2020 and December 31, 2020:
*Complete this section only if you checked a box or boxes in section 4 above.*
___ YES ___ NO ___ Not applicable

6. I received a mortgage forbearance on the property involved in this matter between the following dates:
*Complete this section only if you checked "YES" in section 5 above.*

_____
_____

7. Additional information:
*Additional information may also be provided to the court at the time of the hearing.*

_____
_____
_____
_____

ATTORNEY HELP
A. ____No attorney helped me prepare or fill in this form.
B. ____ An attorney helped me prepare or fill in this form.

If you check B, you must fill in the following information:

_____
Name of attorney or organization providing assistance, if any

_____
Business address of attorney or organization

_____ _____
City State ZIP Code

(_____) _____ _____
Phone number Email address

OATH AND SIGNATURE

I, _____, (print or type name) have read this Verification, and I certify under penalty of perjury and pursuant to the laws of the State of Maine that the information I have provided in this verification is true and correct.

_____ _____, 20_____ _____

Month Day Year Signature

_____

Mailing address

_____ _____

City State ZIP Code

(_____) _____ _____

Phone number Email address