SUPREME COURT OF ARKANSAS

IN RE RESPONSE TO THE COVID-19 PANDEMIC—EVICTION FILINGS

Opinion Delivered: April 28, 2020

PER CURIAM

This court has issued several per curiam orders implementing emergency precautions to address the challenges raised by the COVID-19 pandemic. *See In re Response to the COVID-19 Pandemic*, 2020 Ark. 116 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 125 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 132 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 162 (per curiam). We now address another issue that has health and safety implications: residential evictions. Pursuant to our superintending authority under Amendment 80 of the Constitution of the State of Arkansas, we order that beginning the date of this per curiam and ending July 25, 2020, all new eviction complaints for nonpayment of rent or other fees or charges filed under Arkansas Code Annotated section 18-60-304 or section 18-17-901, or failure-to-vacate charges brought under section 18-16-101, are required to affirmatively plead that the property that is the subject of the eviction dispute is not a covered dwelling under the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law No. 116-136. This temporary pleading requirement merely reflects the Act's moratorium prohibiting

the lessor of a covered dwelling from filing a legal action to recover possession of the property for nonpayment. CARES Act § 4024(b).[1]

It is so ORDERED.

WOOD and WOMACK, JJ., dissent.

[1] The dissent is mistaken in suggesting that this pleading requirement constitutes an amendment to Arkansas's eviction statutes and violates the separation of powers doctrine. Rules regarding pleading, practice, and procedure are solely the responsibility of this court. Ark. Const. amend. 80, § 3.