GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-49

Continued Postponement of Eviction Enforcement Actions

WHEREAS, on March 11, 2020, pursuant to A.R.S. §§ 26-303 and 36-787, I, as Governor of the State of Arizona, issued a declaration of a Public Health State of Emergency due to the necessity to prepare for, prevent, respond to, and mitigate the spread of COVID-19; and

WHEREAS, on March 27, 2020, the U.S. Department of Housing and Urban Development (HUD), in an effort to provide immediate relief to renters, temporarily suspended all evictions for HUD-financed properties for 120 days; and

WHEREAS, on March 24, 2020, the State of Arizona temporarily postponed the enforcement of eviction actions for 120 days which ends on July 22, 2020; and

WHEREAS, on June 29, 2020, in response to rising case numbers, Executive Order 2020-43 was issued to prohibit large public gatherings and close some businesses that were identified by the Department of Health Services as high risk for transmission of COVID-19; and

WHEREAS, as of July 16, 2020, there have been 134,613 diagnosed cases of COVID-19 in Arizona including 2,492 deaths, and the State continues to see higher numbers of cases and hospitalizations than in March; and

WHEREAS, while the State has taken critical measures to protect public health and safety, there are direct economic consequences for businesses across the State of Arizona that provide employment for many Arizonans; and

WHEREAS, over the past few months, the State has worked diligently to provide rental assistance and unemployment insurance to thousands of Arizonans, but certain individuals are still experiencing a decrease in income and thus an inability to pay for regular living expenses; and

WHEREAS, in order to continue to mitigate the spread of COVID-19 and protect citizens from individuals who may become infected, the Centers for Disease Control and Prevention (CDC) has recommended that people self-isolate if they have been exposed to COVID-19 or if they have a condition that puts them at risk for serious harm by the disease; and

WHEREAS, it remains medically necessary for certain Arizonans to remain at home to stay isolated and separated from the general public; and

WHEREAS, as the number of cases have risen, Arizonans have been encouraged to stay home; and

WHEREAS, this pandemic has impacted many Arizonans' ability to pay for their rental housing, resulting in landlords initiating eviction proceedings to remove them from their residences; and

WHEREAS, the Foreclosure Prevention Program has been established in the Governor's Office of Strategic Planning and Budgeting to provide relief to landlords and property owners who are struggling to pay their mortgages; and

WHEREAS, to further protect public health, it is necessary to avoid the serious consequence of Arizonans losing their rental housing.

NOW, THEREFORE, I, Douglas A. Ducey, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this state, including but not limited to A.R.S. §§ 26-303 and 36-787, hereby order as follows:

1. Unless a court determines on motion of one of the parties that enforcement is necessary in the interest of justice or is in accordance with A.R.S. § 33-1368(A), pursuant to A.R.S. §§ 26-303 et al, 36-787, all Arizona Peace Officer Standards and Training Board certified law enforcement officers and any person subject to the jurisdiction of the Constable Ethics Standards and Training Board, shall temporarily delay enforcement of writs of restitution for residential premises, when one of the following circumstances exist and are documented to the landlord or property owner:
    a. The individual is required to be quarantined based on their diagnosis of COVID-19.
    b. 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.
    c. The individual is required to be quarantined based on someone in the home being diagnosed with COVID-19.
    d. 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.
    e. The individual suffered a substantial loss of income resulting from COVID-19, including:
        i. Job loss;
        ii. Reduction in compensation;

iii. Closure of place of employment;
iv. Obligation to be absent from work to care for a home-bound school-age child; or
v. Other pertinent circumstances.

2. If a tenant, lessee or resident is suffering any of the above circumstances and seeks relief from or delay in eviction, they shall notify the landlord or property owner in writing with any available supporting documentation of their temporary financial hardship or state of quarantine as a result of COVID-19 and acknowledge that contractual terms of the lease remain in effect.

3. After August 21, 2020, a tenant, lessee or resident is entitled to the delay in the enforcement of a writ of restitution for residential premises outlined in paragraph 1 provided they demonstrate the following:
   a. They have notified the landlord or property owner in writing with supporting documentation of their ongoing financial hardship as outlined in paragraph 1 as a result of COVID-19 and request for a payment plan; and
   b. They have provided the landlord or property owner a copy, with any available supporting documentation, of proof of submission of their completed pending application for rental assistance through a state, city, county or nonprofit program.

4. Any information required by this order shall also be provided to the constable, law enforcement officer or court upon request.

5. Nothing in this order prevents a court from determining upon motion by one of the parties that enforcement of a writ of restitution is necessary in the interest of justice or is in accordance with A.R.S. § 33-1368(A).

6. A landlord shall not interpret a health and safety provision of a contract to include COVID-19 as a reason for termination of a lease or rental agreement; nor shall a landlord terminate a lease or rental agreement solely based on information provided by the tenant to satisfy a notice requirement under paragraph 2.

7. No provision contained in this Executive Order shall be construed as relieving any individual of the obligation to pay rent or comply with any other obligation that an individual may have under a tenancy.

8. If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

9. This order takes effect on July 23, 2020 and shall expire on October 31, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

GOVERNOR

DONE at the Capitol in Phoenix on this sixteenth day of July in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fifth.

ATTEST:

Secretary of State