

**ORDER OF THE CHIEF JUSTICE
OF THE SUPREME COURT OF NORTH CAROLINA**

Since 13 March 2020, in response to the COVID-19 global pandemic, I have issued a series of emergency directives necessary to ensure the continuation of critical court system functions while protecting the health and safety of all who work in or visit North Carolina's county courthouses.

Today, Governor Roy Cooper issued Executive Order 142 prohibiting landlords from taking any action in furtherance of a summary ejectment or eviction of a residential or commercial tenant for reason of non-payment.

There are now more than 9,000 pending evictions in our state court system. Hearing these matters would require landlords to act in furtherance of an eviction in violation of Governor Cooper's order.

Additionally, the Coronavirus Aid Relief and Economic Security Act (the "CARES Act" or the "Act") was passed by the United States Congress and signed into law on 27 March 2020. The Act included a moratorium on residential evictions for covered properties as defined by the Act for a period of 120 days from the effective date of the Act. The CARES Act did not provide a procedure for local courts to determine whether a property is covered under the Act and promulgation of additional rules of procedure governing such determination appears to be left to the states.

Therefore, additional emergency directives are now necessary to ensure the continuing operation of essential court functions.

Accordingly, I hereby determine and declare under N.C.G.S. § 7A-39(b)(2) that catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of this state.

EMERGENCY DIRECTIVE 17

All evictions pending in the trial divisions, whether summary ejectment or otherwise, are hereby stayed until 21 June 2020. Sheriffs shall not be required to execute pending writs of possession of real property or make due return of such writs until 30 June 2020.

EMERGENCY DIRECTIVE 18

In all summary ejectment proceedings filed pursuant to Article 3, Chapter 42 of the North Carolina General Statutes on or after 27 March 2020, no writ of possession for real property shall issue unless a finding is made that the property which is the subject of the complaint is not a covered property as defined by Section 4024(a)(1) of the CARES Act.

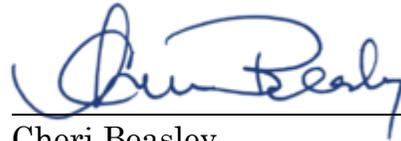
The Administrative Office of the Courts is directed to promulgate a form affidavit to be completed by plaintiffs in any such actions. For any summary ejectment or residential eviction action instituted on or after 27 March 2020 and before 1 June 2020, such affidavit shall be completed and submitted before final judgment by a magistrate is entered. For any summary ejectment action instituted on or after 1 June 2020, such affidavit shall accompany the filing of the complaint such that a copy of the affidavit will accompany the summons and complaint when served on the defendant.

EMERGENCY DIRECTIVE 19

There is hereby established a voluntary mediation program for summary ejectment actions. The Dispute Resolution Commission is directed to submit proposed rules governing such program to the Supreme Court for adoption no later than 7 June 2020.

Additional emergency orders or directives under N.C.G.S. § 7A-39(b) may be entered as necessary to support the continuing operation of essential court functions.

Issued this the 30th day of May, 2020.



Cheri Beasley
Chief Justice
Supreme Court of North Carolina