

**LANDLORD TENANT RELATIONS IN THE DAYS OF
THE CORONA VIRUS - PART 15
FEDERAL MORATORIUM ON EVICTIONS**

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I am so angry I can't see straight. Last night Trump entered an executive order that we will have a United States wide moratorium on evictions through the end of the year. Supposedly, this moratorium is made necessary because we need to stop tenants from becoming homeless and being pushed together into closer confines where they might be more likely to get COVID-19. I think this is a scam. The real reason that Trump is imposing this moratorium is because it will help his election chances, which chances aren't looking too good according to the polls. I don't buy for a minute that this idea really came to his attention from the CDC, as he is attempting to make it appear or even that the moratorium is really health related. It may be related to keeping renters in New York and other cities from rioting in the streets when huge numbers of tenants start getting dispossessed of their properties. But the health of tenants is not the real reason for this moratorium.

We no longer live in a county which protects property rights when it comes to real estate. If a thief steals your car and the police find it, they will return it to you. The thief would not be able to keep the car by saying, "I need your car so that I won't have to be around people who might have the corona virus." But, if a tenant uses your property and doesn't pay rent, the government is now saying, "The tenant can continue to stay at the landlord's expense because we have to protect the tenant's health." In my book, this is the same as taking my property (my car for example) and giving it to someone else. This is the very epitome of socialism; the government is giving property and earnings to those who need it instead of those who own it or who earned it.

Right after the state moratorium passed (August 14), I filed an eviction on behalf of a ten year old little girl. Her father died last year and left her his house; a house which has no mortgage on it. The girl's mother and father lived together in a different house but were not married. Before the father died, he rented out the house for which I am handling the eviction. After his death, the mother continued renting the house out to help her pay for the costs of raising the little girl who now technically owns the house. Then, the tenant moved out, and another person, who had no lease and no right to be in the house moved in. There is no legal relationship or agreement between the owner and the person who is there. She is a squatter who has paid nothing to be there and has no lease or other agreement giving her any rights at all.

I could not prosecute an eviction for this little girl during the state moratorium, and neither she nor her mother received any rent during that time period. When the state moratorium expired, I filed the eviction, but the immediate possession hearing had not yet occurred. Now, we have another moratorium stopping all evictions (unless the tenant earns over \$99,000 per year, and how many of those types of tenants are out there). This little girl and her mother cannot get the current occupant out so that they can get a paying tenant in. Because of the earlier state moratorium on evictions the mother has already been denied the financial support from Dad's

assets for five months. With this new moratorium, she will be denied support from Dad's assets for at least another four months. It will probably be a lot longer than that because of the eviction backlogs.

My point is that people who need the rental income are really being hurt by these moratoriums. Their living expenses continue. But our government is saying that all landlords can bear this loss better than tenants can bear the loss. Sometimes, that assumption is true; often it is not true.

I participated in a meeting of lawyers and judges yesterday. Two of our local Small Claims judges were also in the meeting. The judges are struggling with trying to apply all of the new eviction rules and rules related to what has been named "facilitation". Facilitation is the newly announced court related process by which landlords and tenants can meet with a facilitator to see if something can be worked out that will prevent an eviction order. I guess the Small Claims judges are not going to have to worry about that new system for a few months. They can't order evictions anyway because of the new moratorium.