

DISPOSSESSORY (EVICTIONS) Q & A

I am a landlord. Can I still file a new eviction case?

A landlord cannot file a new eviction case concerning any property **covered** by the federal CARES Act's nationwide eviction moratorium.

If a property is NOT covered by the CARES Act, the Chief Justice's Order does not prevent parties from filing dispossession actions. To determine whether your property is covered by the CARES Act, please consult an attorney and/or view the information on our website.

I am filing a new eviction case for NON-PAYMENT of rent. Do I have to fill out the CARES Act affidavit?

Yes. Pursuant to the passed Order on April 30, 2020 from the Supreme Court, Magistrate Court Rule 46, a landlord who files a dispossession before August 25, 2020 under OCGA 44-7-50 (a) seeking possession of a residential premises for nonpayment of rent **shall** submit verification, filed and served with the complaint, indicating whether the property is exempt from the moratorium provided for in the federal Coronavirus Aid, Relief, and Economic Security Act (CARES ACT)(Public Law No. 116-136).

What if I filed an eviction case before April 30, 2020? Do I still have to do a CARES Act affidavit?

Yes. Magistrate Court Rule 46; In the event that the dispossession action was filed prior to the enactment of this rule, the required verification shall be submitted to the court prior to or during the dispossession hearing; if the tenant does not file an answer, the required verification shall be submitted prior to the writ of possession being issued.

I am worried that I will be evicted. What should I do?

Contact a lawyer and stay in contact with your landlord or management company to determine what options may be available to you during this difficult time.

Are new eviction actions still being served?

Whitfield County Magistrate Court will be releasing service copies to the Constables or private process servers effective May 26th, 2020.

If I'm served with a new eviction during the judicial emergency, do I have to file an Answer within seven (7) days?

YES. The Chief Justice's Second Order Extending the Judicial Emergency grants the Judge the authority to reinstate the suspension, tolling, and/or extension from any deadlines or other time scheduled or filing requirements on a CASE BY CASE basis. An Answer may be filed during the judicial emergency. You may file your answer online at <http://www.whitfieldcountyga.com/mc/magcourt.htm>

When do I need to file an Answer?

If you were served during the judicial emergency, you must answer within seven (7) days of May 26th, 2020, which is the date the Magistrate Chief reinstated the dispossessory cases. If you were served before the judicial emergency was declared and your time to answer expired prior to March 14th, 2020, then your time to answer has elapsed. If you have questions about your deadline to respond, please contact an attorney or call Magistrate Court at (706) 278-5052.

Do I have to come to court during the judicial emergency for an eviction hearing?

YES. All eviction hearings are moving forward effective May 26th, 2020 in our court, per the Chief Magistrate. It is your responsibility to update any contact information with the court.

If you have any health concerns, please contact our office immediately.

Where can I view the Supreme Court's Judicial Order?

<https://www.gasupreme.us/>