Community
Legal Services
Advocate. Litigate. Educate.
Law Offices
Maricopa County Central Office

TIPS FOR USING TENANT COVID-19 NOTICE

FOR POSTPONEMENT OF EVICTION ENFORCEMENT

DURING EVICTION PROCESS

- **Use the Tenant COVID-19 Notice to give to your landlord/property manager if any of the following circumstances apply to you:**

1. You have been diagnosed with COVID-19 and must be quarantined;
2. You have been ordered to self-quarantine by a medical professional because of your symptoms as defined by the Centers for Disease Control;
3. Someone in your household has been diagnosed with COVID-19 and you must be quarantined;
4. You have a health condition, as defined by the Centers for Disease Control, that makes you more at risk for COVID-19 than the average person;
5. You have suffered a substantial loss of income as a result of COVID-19, such as job loss, reduced pay or compensation, your work place closed, an obligation to miss work to care for a home-bound school-age child, or other circumstances.

- **When you give or mail the Tenant COVID-19 Notice to your landlord/property manager, attach any supporting documents available for one or more of the above listed situations.**

- You are just required to provide the landlord/property manager supporting documents available to you. If you have one or more of situations 1-4 listed above and you do not already have a document stating your situation, you should ask your medical professional for such a document. If you suffered substantial loss of income as a result of COVID-19, you may want to include notices from your employer or pay stubs. If you do not have any documents available to you, just write in detail about your circumstances.

- Before giving the Tenant COVID-19 Notice to your landlord/property manager, make sure you fill out the Notice and sign it. You can mail it,

305 S. 2nd Ave., Phoenix, AZ 85003
Phone 602-258-3434 Fax 602-682-3437

hand-deliver it, text or email it to your landlord/property manager. Keep a record of the date you gave or sent it to your landlord/property manager.

- You should make and keep several copies of the form and documents you gave your landlord/property manager.
- You should provide the Tenant COVID-19 Notice and supporting documentation to the landlord/property manager when you first receive any notice of termination or eviction, including notices for nonpayment of rent, or when you are served with eviction papers.
- Courts in Arizona are handling hearings differently. If you receive a summons, you should call the court to confirm your court date and find out if the court has a special manner (like by telephone) it wants to hear your case. This information may also be on the court's website.

AFTER EVICTION JUDGMENTS

- **The landlord can still go to court and get a judgment against you, but providing these documents to your landlord/manager will keep the constable or sheriff from locking you out of your rental unit.**
- After getting a judgment against you, the landlord can go back to the court after five days to get a writ of restitution. If the eviction action was filed based on an immediate and irreparable breach, the landlord can obtain the writ of restitution the day after the landlord gets a judgment. Writs of restitution are executed (served on a tenant or the rental unit) by a constable or sheriff. **You should give your landlord/property manager the Tenant COVID-19 Notice and supporting documents as soon as possible in the eviction process and before the constable arrives at your home to lock you out.**
- If you gave the Tenant COVID-19 Notice to your landlord/property manager and the constable still comes to your unit, give the Tenant COVID -19 Notice and documentation to the constable. If the constable still intends to lock you out of the unit, you may want to call an attorney immediately like Community Legal Services.
- **You should not disclose confidential medical information related to a COVID-19 diagnosis unless the landlord states and signs in writing not to disclose or use the confidential medical information except to support your**

Tenant COVID-19 Notice. If you must provide confidential medical information to the constable, you should also ask them to sign a statement that they will keep your information confidential. Keep a copy of this written agreement.

YOUR ON-GOING REQUIREMENTS AS A TENANT

- You are still responsible for all monthly payments of rent. If rent is refused by your landlord/property manager, save it for future payment for as long as you remain in the unit. Document the dates you tried to pay your rent.
- You are still obligated to comply with the Arizona Residential Landlord & Tenant Act or Residential Mobile Home Act for as long as you and your family reside in the unit.
- The judgment amount is not waived and late fees and other charges may continue to accrue while you and your family reside in the unit.

The Tenant COVID-19 Notice should only be used for evictions where the tenant has a right to remain in their unit due to the circumstances related to the COVID-19 public health crisis.

***These tips are based upon the Governor's Executive Order, 2020-14 Https://azgovernor.gov/sites/default/files/eo_2020-14_0.pdf.**

If there are further Executive Orders or Clarifications from the Court, Community Legal Services will update these tips.

Please keep checking Community Legal Services' website for the latest updates and other documents CLS prepares for tenants to use.

TENANT COVID-19 NOTICE FOR POSTPONEMENT OF LOCK OUT BECAUSE OF GOVENOR DUCEY'S EXECUTIVE ORDER 2020-14 REQUIRING TEMPORARY DELAY OF EVICTION ENFORCEMENT

(Until July 25, 2020)

Date: _____

Landlord Name: _____

Landlord Address: _____

Tenant Name:_____

Tenant Address: _____

This is notice that any eviction from the above address may not be enforced by a constable or sheriff because of one or more of the following circumstances I am currently experiencing:

☐ I have been diagnosed with COVID-19 and must be quarantined.

☐ I have been ordered to self-quarantine by a medical professional based on my symptoms defined by the Centers for Disease Control.

☐ Someone in my household has been being diagnosed with COVID-19 and I must be quarantined.

☐ I have a health condition, as defined by the Centers for Disease Control, that makes me more at risk for COVID-19 than the average person.

☐ I suffered a substantial loss of income as a result of COVID-19, such as job loss, reduced pay or compensation, my work place closed, an obligation to miss work to care for a home-bound school-age child, or other circumstances.

I have enclosed supporting documents available to me about one or more of the above circumstances.

Despite my circumstances, I know that the terms in my lease agreement continue to be in effect.

_____
Tenant Signature

☐ This notice was sent by email to the landlord's email address: _____(landlord's email) on_____.(keep copy of email)

☐ This notice was sent by text to the landlord's phone number: _____(landlord's phone number) on_____. (keep copy of text)

☐ This notice was sent by regular mail on: _____

☐ This notice was sent by Certified Mail/Return receipt requested – tracking number: _____

☐ This notice was hand-delivered to (name/title): _____

☐ Date and time of hand-delivery: _____

KEEP SEVERAL COPIES OF THIS COMPLETED NOTICE FOR YOUR RECORDS

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2020-14

Postponement of Eviction Actions

WHEREAS, a Public Health State of Emergency was declared in Arizona on March 11, 2020 to prepare for and respond to the outbreak of the 2019 novel coronavirus (COVID-19); and

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to both the health and economic implications of the COVID-19 virus; and

WHEREAS, the President of the United States announced on March 18, 2020, that the U.S. Department of Housing and Urban Development (HUD), in an effort to provide immediate relief to renters, will temporarily suspend all evictions for HUD-financed properties; and

WHEREAS, the State of Arizona has experienced community spread of COVID-19 in multiple counties as it continues to spread across the country and the state, posing an increasing threat to public health and having a devastating impact on the economy; and

WHEREAS, the state has taken critical measures to protect public health and safety, which will result in direct economic consequences for businesses across the State of Arizona that provide employment for many Arizonans; and

WHEREAS, in order to prevent the spread of COVID-19 and protect citizens from individuals who may become infected, the Centers for Disease Control and Prevention have 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 may become medically necessary for Arizonans to remain in their rental properties to stay isolated and separated from the general public; and

WHEREAS, those who must self-isolate or who are unable to work, may experience a decrease in income and thus their ability to pay for regular living expenses; and

WHEREAS, the anticipated loss of work and income for Arizonans and their families may impact their ability to pay for their rental housing, resulting in landlords initiating eviction proceedings to remove them from their residences; and

WHEREAS, to further protect public health, it is necessary to 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, hereby order as follows:

1. Unless a court determines on motion 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 eviction action orders 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. 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.

4. 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.

5. This Executive Order shall remain in effect for 120 days.

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 Twenty-Fourth day of March in the Year Two Thousand and Twenty and of the Independence of the United States of America the Two Hundred and Forty-Fourth.

ATTEST:

Secretary of State