

# Moving Forward Under the Emergency Eviction and Foreclosure Prevention Act of 2020.

To our Friends and Valued Clients:

Following up to our mailing of January 5, 2021 on the Hardship Declarations and the Rent Reminder Notice, we are now advising you on how we will be proceeding with cases in light of the new "Hardship Declaration" the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020.

First and foremost, the court issued the list of county-by-county legal services providers so that can now be included in all Hardship Declarations. The link to the legal service providers appears [here](#). You can now send your Rent Reminder Notices in English and Spanish (if that is their primary language) with the landlord's contact information and the list for legal service providers. The court stated that 6 additional translations will be provided by January 12, 2021. If those are not your tenant's primary language, it is the landlord's responsibility to translate the Hardship Declaration under the EEFPA.

As this Hardship Declaration is required to accompany any notice of petition or **"with any other written notice required by the lease or tenancy agreement, law or rule to be provided prior to the commencement of an eviction proceeding,"** we ask you to review your current case status and indicate for each case the primary language of the tenant and/or occupants and scan and email it back to us. From there we will draft up a primary language affidavit for your agent to execute. Upon receipt we will then produce the Hardship Declaration in English and the tenant's primary language, if other than English, and attach it to the appropriate notice for service. In cases, where the predicate notices were already served and we are ready to turn to a petition, we will have to serve the Hardship Declaration first, then serve the notice of Petition and Petition (with the Hardship Declaration also attached thereto) in order to file the petition.

This brings us to when filing petitions, we will need to also serve Affidavits and Affirmations of Non-Response detailing all the times the Hardship Declaration was served and that there was no response to the Petitioner to date. We will send those to you when the time comes.

Further, in any pending cases, we also will have to serve the Hardship Application in

order to move the case forward after March 1, 2021 if there is no response thereto. E.g. the landlord will have to submit an affidavit of no response under the new warrant application procedures as the warrants are now required to recite the dates that “the petitioner and the court” served the tenant with the hardship declaration. When simply serving a Hardship Declaration packet on its own, we will be serving it via regular and certified mail unless your lease states otherwise.

Please remember that none of the stays of the EEFPA are applicable where you have a tenant or occupants who “are persistently and unreasonably engaging in behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others.” We have been informed the courts are setting up specialized parts to handle these claims.

***With that stated, it is imperative you return to us your status reports with the tenant’s primary language indicated so we can move forward. And please monitor your weekly status reports.***

**We will keep you apprised as information unfolds and are happy to set up tele-conferences or video-conferences with you as you may need.**

In the meantime, continued Best Wishes for a Happy and Healthy New Year and should you have any questions, do not hesitate to contact either Mark, Chad, Lawrence or Rob.

**Lazarus Karp, LLP**

Attorneys at Law

