



EVICTIION MORATORIUMS: A NATIONAL ANALYSIS OF ACTION PRIOR TO COVID-19

Prepared by [Community Justice Project](https://communityjusticeproject.org/) with research support from students at the Yale Civil Rights Project. For more information on Miami-Dade's eviction moratorium, and Florida community demands in response to the coronavirus crisis, visit communityjusticeproject.com/covid19

As we know all too well, low-income renters are particularly vulnerable to evictions in times of crisis. While supplies are running low in grocery stores, schools are closing, and fears about how to protect your family and loved ones from a potentially deadly disease consume your thoughts, receiving notice and adhering to the summary process deadlines are particularly challenging and in many cases impossible to confront in any coherent way. Eviction moratoriums during moments of crisis are a key tool in protecting our communities.

Prior to the COVID-19 crisis, approximately 17 states across the country had in effect or were currently discussing the implementation of some form of eviction moratorium. While the majority of these moratoriums are triggered by weather-related disasters, a notable few aim to address the impact of other community emergencies. At their core, eviction moratoriums aim to protect renters from the ripple effects of large-scale emergencies that impact the community's ability to work, care for their families, seek healthcare, and live safely and comfortably. The goal is to protect tenants, help them find some stability amidst a crisis, and further efforts to insulate them from having to fear the threat of an eviction action. The added elements of anxiety and fear during states of emergency, serve as an exacerbating factor for an already unequal distribution of power and the ability of folks to effectively protect themselves from the causal sequence of natural disasters, health emergencies, or other events that would trigger states of emergency.

Below you will find examples of eviction moratoriums taken from across the country, separated into four main categories. First, you will find eviction moratorium from states who halt all evictions during declared states of emergency; second, we provide you with a list of eviction moratoriums for specific weather-related events (i.e. extreme cold, hurricane, fires, etc.); third, states with moratoriums during holidays. There are also eviction moratoriums that focus on protecting renters and homeowners alike from the effects of our national economy; and lastly, a list of moratoriums that are very situation-specific but shed some light on just how important these moratorium measures are to the health and stability of our communities.

State of Emergency Declarations

- **California - State emergency prohibits evictions:** Under [California Penal Code 396\(f\)](#), while the state is under a declared state of emergency, landlords cannot evict current tenants in order to rent to new tenants at more than a 10% increase. The state of emergency declared for wildfires in Fall 2019 happened to coincide with a period of mass evictions by landlords preparing for the enactment of a new rent-control law (see below), and thus coincidentally also halted a housing emergency despite being a climate-related emergency declaration.
 - The statute reads: *It is unlawful for a person, business, or other entity to evict any residential tenant of residential housing after the proclamation of a state of emergency*

declared by the President of the United States or the Governor, or upon the declaration of a local emergency by an official, board, or other governing body vested with authority to make that declaration in any city, county, or city and county, and for a period of 30 days following that proclamation or declaration, or any period that the proclamation or declaration is extended by the applicable authority and rent or offer to rent to another person at a rental price greater than the evicted tenant could be charged under this section. It shall not be a violation of this subdivision for a person, business, or other entity to continue an eviction process that was lawfully begun prior to the proclamation or declaration of emergency.

- **Florida - State of Emergency prevents evictions from Public Housing in Miami-Dade County:** In 2019, the County [passed a resolution](#) ending evictions from public housing in response to [community organizing](#) around Hurricanes Irma and Dorian. The County Police have also agreed not to enforce orders of eviction (writs of possession) during the pendency of a state of emergency. Legislators proposed changes to state law to make moratoriums automatic in 2020, but the bill failed to pass.

Weather Specific Emergencies

- **Louisiana - Post-Hurricane Katrina Eviction Moratorium:** From August 29, 2005 (retroactive) until October 25, 2005, then-Governor Blanco imposed [Executive Order 2005-32](#), which halted any eviction proceedings by halting any administrative deadlines imposed under the relevant civil code (see Sections I and II).
- **Maine - Winter Moratorium on No-Fault Evictions:** In 1981, Maine state legislature passed [HP 278](#), imposing a moratorium on no-fault evictions from December 1st through March 31st of each year.
- **New York-** New York City Housing Authority instituted a [moratorium](#) from November 15, 2012, through February 1, 2013, for housing court actions and evictions for residents living in developments run by the NYCHA that were affected by Hurricane Sandy.
- **Washington** - Seattle Councilmember introduced legislation in December 2019 [seeking an emergency moratorium](#) on all evictions during the coldest months of the year.
- **Illinois - Holiday Eviction Moratorium:** In Cook County in 2018, the presiding Judge of the First Municipal District of the Circuit Court of Cook County issued [General Order 2018-03](#), halting residential eviction orders over the holidays **AND** requiring that the Cook County Sheriff not execute eviction orders when the outside temperature was at or below 15 degrees Fahrenheit, or extreme weather conditions otherwise posed a threat to health and welfare of those being evicted.
- **Maryland - Case-by-case Weather-Related Eviction Relief:** Maryland [law on evictions](#) states that in certain weather conditions, e.g. rain or snow at the scheduled time of eviction or predicted temperatures of below freezing, evictions can be canceled on that day or for the period that those weather conditions hold.

Official Holiday

- **Illinois - Holiday Eviction Moratorium:** Lake County in the northeastern part of IL has a tradition of [sheriff-imposed eviction moratoria](#) over the holidays.
- **Pennsylvania** - Philadelphia Courts enacted a [holiday eviction moratorium](#) from December 17, 2016 -- January 2, 2017.
- **Virginia** - Richmond Redevelopment and Housing Authority enacted a [holiday moratorium on evictions](#)

Economic Crisis

- **Arkansas - Foreclosure moratorium (not weather-related):** In 2009, the state legislature passed [a resolution](#) to encourage mortgage lenders to impose a 90-day moratorium on foreclosures in light of ongoing foreclosure crisis
- **California - Los Angeles City Ordinance (not weather-related):** On October 22, 2019, Los Angeles passed a [city ordinance](#) to “temporarily prohibit no-fault evictions through December 31, 2019” for properties built before 2005 -- in other words, properties covered by state law AB 1482, which will go into effect on January 1, 2020. AB 1482 is a rent-control law, and prior to the city ordinance landlords were scrambling to mass-evict tenants before the law went into effect.
- **California -Other California cities following LA’s example:** Following LA’s city ordinance in Fall 2019, a number of other California cities quickly followed suit with near-identical ordinances. These [included](#): Pasadena, South Pasadena, Milpitas, Bell Gardens, Daly City, Santa Cruz, Redwood City, Pomona, Baldwin Park, Alhambra, San Gabriel, Hermosa Beach, and Duarte.
- **Connecticut - Foreclosure moratorium (not weather-related):** In 2010, then-Attorney General Blumenthal imposed a [60-day moratorium](#) on all bank foreclosures amidst an investigation of certain mortgage lenders, primarily JP Morgan Chase and Ally, for fraudulent practices.

Other Moratoriums

- **Arkansas:** In 2009, the state legislature passed [a resolution](#) to encourage mortgage lenders to impose a 90-day moratorium on foreclosures in light of ongoing foreclosure crisis
- **Hawaii:** In 2009, Hawaii state legislature passed [SB 638](#), a somewhat-controversial eviction moratorium on lands where a state park development was in dispute. The moratorium was to “establish a two-year moratorium on evictions of persons who at the time of the enactment of this Act, reside in Kahana valley state park, have participated in interpretive programs for Kahana valley state park, and have continuously lived there since before 1987 or hold or have held a long-term lease or permit to reside there.”
- **Minnesota:** In December 2018, St. Louis Park City Council placed a [moratorium](#) on a policy under which city police previously informed landlords about criminal activity in or around their rental properties. City Council also placed a moratorium on a policy of requiring landlords to evict tenants linked to crimes.
- **Arizona:** [Rule 18-1-518 of the Arizona Administrative Code](#) allows for the Director of the Department of Environmental Quality to declare a moratorium on the starting time frame of certain kinds of license applications in the event of certain emergencies, including the need for pollution prevention emergency activity