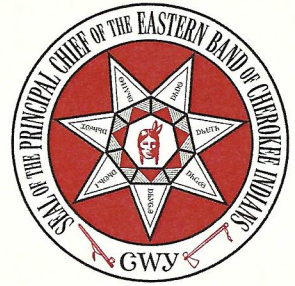


Eastern Band of Cherokee Indians
Office of Principal Chief
Richard G. Sneed



EXECUTIVE ORDER # 18 (2020)

August 11, 2020

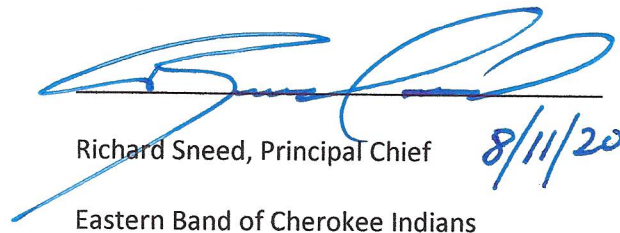
Proclamation of Eviction

To help preserve and maintain life, health, property or the public peace, effective immediately and until November 30, 2020. I hereby prohibit the following activities related to residential dwellings and commercial rental properties on all lands of the Eastern Band of Cherokee Indians.

- Landlords, property owners, and property managers are prohibited from serving or enforcing, or threatening to serve or enforce, any notice requiring a resident to vacate any dwelling or parcel of land occupied as a dwelling, including but not limited to an eviction notice, notice to pay or vacate, notice of unlawful detainer, notice of termination of rental, or notice to comply or vacate. This prohibition applies to tenancies or other housing arrangements that have expired or that will expire during the effective period of this Proclamation. This prohibition applies unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Landlords, property owners, and property managers are prohibited from seeking or enforcing, or threatening to seek or enforce, judicial eviction orders or agreements to vacate involving any dwelling or parcel of land occupied as a dwelling, unless the landlord, property owner, or property manager attaches an affidavit attesting that the action is necessary to respond to a significant and immediate risk to the health or safety of others created by the resident.
- Local law enforcement are prohibited from serving, threatening to serve, or otherwise acting on eviction orders affecting any dwelling or parcel of land occupied as a dwelling, unless the eviction order clearly states that it was issued based on a court's finding that the individual(s) named in the eviction order is creating a significant and immediate risk to the health or safety of others.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, late fees for the non-payment or late payment of rent or other charges related to a dwelling or parcel of land occupied as a dwelling, and where such non-payment or late payment occurred on or after March 1, 2020, the date when a State of Emergency was proclaimed.
- Landlords, property owners, and property managers are prohibited from assessing, or threatening to assess, rent or other charges related to a dwelling or parcel of land occupied as a dwelling for any period during which the resident's access to, or occupancy of, such dwelling was prevented as a result of the COVID-19 outbreak.

- Except as provided in this paragraph, landlords, property owners, and property managers are prohibited from treating any unpaid rent or other charges related to a dwelling or parcel of land occupied as a dwelling as an enforceable debt or obligation that is owing or collectable, where such non-payment was as a result of the COVID-19 outbreak and occurred on or after March 1, 2020, the date when a State of Emergency was proclaimed on all lands of the Eastern Band of Cherokee Indians. This includes attempts to collect, or threats to collect, through a collection agency, by filing an unlawful detainer or other judicial action, withholding any portion of a security deposit, billing or invoicing, reporting to credit bureaus, or by any other means. This prohibition does not apply to a landlord, property owner, or property manager who demonstrates by a preponderance of the evidence to a court that the resident was offered, and refused or failed to comply with, a re-payment plan that was reasonable based on the individual financial, health, and other circumstances of that resident.
- This order is not a waiver of rent, lease, or mortgage payments. Residents should contact landlord, property owner, or property manager if the individuals financial, health, and other circumstances has been negatively affected by COVID-19 to workout a reasonable re-payment plan.
- This order does not affect waiver of rents or late fees for HCD and QHA rentals for March 1, 2020 to May 31, 2020. This order does not affect deferment of loan payments for HCD and QHA for March 1, 2020 to May 31, 2020.

This order is issued under authority granted in Cherokee Code Chapter 166, Article II, and the Declaration of State of Emergency issued on March 13, 2020. It is a supplement and amendment to that Declaration and shall remain in effect while the Tribe is under the State of Emergency.


Richard Sneed, Principal Chief 8/11/2020
Eastern Band of Cherokee Indians