



Gwinnett County Magistrate Court Landlord/Tenant Update

The Magistrate Court of Gwinnett County is working hard to create solutions during the COVID-19 pandemic to deliver access to justice safely and efficiently. Below is information and an update on landlord/tenant cases.

As permitted by the Fifth Order Declaring Judicial Emergency, the Gwinnett County Magistrate Court has resumed dispossessory actions. Keeping the safety of all as our priority, calendars are smaller and staggered to manage social distancing, we have implemented increased cleaning protocols, masks are required in the courtrooms, and parties are given the option to appear by video (where both parties consent). This Circuit has also established Guidelines for In-Court Judicial Proceedings, which are posted on the Court's website: www.gwinnettcourts.com.

If you have any issues regarding your court date or want to request a video hearing, please follow the instructions on your Court Notice.

**The following information is not intended, nor should it be taken, as legal advice. Instead, the Court is addressing in general terms frequently asked questions regarding the current status of evictions. Specific questions regarding your case or situation must be directed to a licensed attorney. We have included information (below) on how to locate a licensed attorney.*

What is the CDC Eviction Moratorium?

There has been a lot of confusion surrounding the recent Agency Order regarding evictions that was issued by the Centers for Disease Control ("CDC") on September 4, 2020. As of September 4, 2020, the CDC published an Eviction Moratorium ("Agency Order"), which is effective until December 31, 2020. The moratorium does not cover all evictions. However, pursuant to the Agency Order, a residential landlord cannot evict a "covered person." A covered person is defined as any tenant, lessee, or resident of a residential property who provides to their landlord, the owner of a residential property (or other person with legal right to pursue eviction) a sworn declaration ("Declaration") that meets the following five prong test:

1. The person has to use their "best efforts" to obtain all available government assistance for rent or housing; and
2. The person cannot expect to earn more than \$99,000.00 in 2020, or \$198,000 if married and filing a joint tax return. A person may also qualify if they did not report any income at all to the federal government in 2019 or if they received a stimulus check this year; and
3. The person experienced a substantial loss of household income, a lay-off, or extraordinary out-of-pocket of medical expenses (defined as unreimbursed expenses exceeding 7.5% of your adjusted gross income); and

4. The person is making their best effort to make timely partial payments that are as close to the full amount due as circumstances may permit, taking into account other nondiscretionary expenses; and

5. Eviction would likely lead that person to either homelessness or moving into a place a shared living space.

Every adult listed on the lease or housing contract has to provide this Declaration to the landlord. The Declaration (form) can be found at www.georgialegalaid.org.

The Declaration is considered sworn testimony, meaning that a person can be prosecuted, go to jail, or pay a fine if they lie, mislead, or omit important information from the Declaration.

Does the CDC Order stop landlords from filing evictions?

No. The Agency Order only applies if the tenant is a “covered person,” as defined by the Agency Order (for tenants who meet the criteria) and only if the basis for the eviction is non-payment of rent.

The Agency Order does not apply to evictions from commercial properties.

The Agency Order also does not stop evictions if the basis for the eviction is that the tenant, lessee, or resident: (1) is engaged in criminal activity while on the leased premises; (2) threatens the safety of other residents; (3) damages or poses an immediate and significant risk of damaging the leased property; (4) violates regulations or other health and safety ordinances; or (5) violates any other obligations under the lease, other than the timely payment of rent.

However, under the Agency Order, a landlord cannot pursue a non-payment eviction once the tenant presents them with the Declaration. Landlords who violate the CDC moratorium could face penalties of up to \$100,000.00 and up to one year in jail for a first offense and fine up to \$250,000.00 and a year in jail for a second offense.

Do I have to pay rent?

Yes. The Agency Order says that tenants are still required to follow all the terms of the lease and pay rent, even if they cannot pay all of it right now. The Agency Order also permits the landlord to charge fees, penalties, and interest as a result of the tenant’s failure to pay the rent under the terms of their contract or lease. This means that, if an eviction is ultimately pursued, the landlord can ask the Court for a judgment against the tenant for *all of the past due rent, plus any late fees, penalties and interest that may have accrued.*

What if I have specific questions?

The Gwinnett County Magistrate Court is prohibited by law from providing legal advice. We always suggest that you contact a licensed attorney for a full explanation of any rights or remedies you may have.

In addition, Georgia Legal Aid has made available a brochure explaining tenants' rights and responsibilities.

<https://www.georgialegalaid.org/resource/tenants-rights-brochure>

If you need legal advice regarding a housing issue, but cannot afford an attorney, you may qualify for legal assistance through Atlanta Legal Aid. To apply online, go to

www.atlantalegalaid.org.

Gwinnett Legal Aid
324 W. Pike St., Suite 200
Lawrenceville, GA 30046
(Gwinnett Office)
PHONE: 678-376-4545

For information on hiring an attorney on landlord-tenant matters, or any other matter, you may go to the following websites to search for attorneys in your area and/or desired area of practice.

Gwinnett County Bar Association: www.gwinnettbar.com

State Bar of Georgia: www.gabar.org

Gwinnett Housing Resources:

In our efforts to provide displaced litigants with resources, we have created a brochure that includes a listing of temporary and permanent housing resources in and around Gwinnett. We are also cooperating with Legal Aid and other resources to provide people with access to information regarding housing options.

If you need permanent or temporary housing, below is a list of resources we compiled based on available information:

Permanent Housing Resources**Buford Housing Authority (BHA)**

2050 Hutchins Street

Buford, Georgia 30518

PHONE: 800-545-1833 or 770-945-5212

WEBSITE: www.habuford.com

The Buford Housing Authority provides public housing and has 189 Apartments in 7 developments throughout Gwinnett County. In order to qualify for housing, you must complete the application process.

Georgia Department of Community Affairs (DCA)

PHONE: 770-806-5050 (for appointment)

WEBSITE: www.dca.gov/safe-affordable-housing

The Georgia Department of Community Affairs administers the Federal Housing Voucher Program (formerly known as Section 8). Currently, the offices are open by appointment only. This tenant based rental program that assists low-income individuals and families rent safe and affordable units in the private rental market.

For general information on the Housing Choice Voucher Program, call: 800-359-4663.

Gwinnett Habitat for Humanity

PHONE: 770-931-8080 (extension 1017)

WEBSITE: www.habitatgwinnett.org/become-a-homeowner

Gwinnett Habitat for Humanity is a home ownership program. Potential homeowners must qualify and may register online to be notified of upcoming Homeowner Applicant Orientation Sessions.

Lawrenceville Housing Authority (LHA)

PHONE: 770-963-4900

WEBSITE: www.lawrencevilleha.org

Lawrenceville Housing Authority helps provide clean and safe public housing to the low-income citizens of Lawrenceville and the surrounding areas. The LHA has nine housing sites with a total of 212 public housing units.

Norcross Housing Authority

PHONE: 770-448-1888

WEBSITE: www.Norcrossga.net/113/housing-authority

Norcross Housing Authority is non-Section 8 public housing. To inquire about housing availability, contact Beth Brown at 770-448-3668 or email at nha209@att.net.

Rainbow Village

3427 Duluth Hwy.

Duluth, Ga. 30096

PHONE: 770-497-1888

WEBSITE: www.rainbowvillage.org/get-help

Rainbow Village is a 30 apartment home housing community that provides housing, training and family support.

Temporary Housing Resources

Another Chance of Atlanta

PHONE: 678-974-5989

WEBSITE: www.anotherchanceofatlanta.org

Another Chance of Atlanta provides temporary, permanent, residential, and transitional housing for veterans.

Family Promise of Gwinnett

PHONE: 678-376-8950

WEBSITE: www.familypromisegwinnett.org

Family Promise Gwinnet is a faith-based organization that provides emergency shelter for women and children and temporary housing for families.

The Safety Net Youth Services

PHONE: 470-321-3346

The Safety Net Youth Services provides emergency shelter for youth.

The Salvation Army (Gwinnett Corps)

PHONE: 770-724-1677

WEBSITE: www.salvationarmyatlanta.org/lawrenceville

The Salvation Army (Gwinnett Corps) provides emergency, transitional, and recovery housing programs. You may schedule an appointment by calling, Monday-Friday 9:00 a.m.-12:00 p.m. and 1:00 p.m.-4:00 p.m.

The United Way Atlanta

WEBSITE: www.unitedwayatlanta.org

United Way 2-1-1 (the United Way helpline)

Provides information & referrals to agencies in the community assisting with rent payment assistance.

Search online: <http://bit.ly/211online>

Text: send a text message to 898211 with the keyword “211od”

Dial 2-1-1 on your phone

Kristina Hammer Blum

Chief Magistrate

Gwinnett County Magistrate Court