

ORDER DECLARING A LOCAL JUDICIAL EMERGENCY

STONE MOUNTAIN JUDICIAL CIRCUIT

21AP1211

WHEREAS, the COVID-19 public health emergency continues to afflict the citizens who reside, do business in and are otherwise subject to the jurisdiction of the Stone Mountain Judicial Circuit. As of July 23, 2021, the state is reporting that in the last two weeks, 496 new cases of COVID-19 were detected in DeKalb County and 11,878 cases were detected in Georgia.¹ This sharp increase in cases in Georgia² and across the southern region of the United States, is unlike anywhere else in the nation.³ The increased number of virus mutations and variants have the potential to compound the already prevalent adverse health impact on the citizens of DeKalb County.

WHEREAS, the Center for Disease Control (“CDC”) national eviction moratorium is set to expire, and the State of Georgia has not imposed an eviction moratorium. Without an eviction moratorium, many DeKalb County residents face imminent dispossession of their residences due to widespread arrearages owed to landlords. It is estimated that DeKalb County tenants owe approximately \$50,000,000.00 in rent arrearage to landlords. Many of the landlords owed will be legally entitled to proceed with dispossessory actions once the eviction moratorium is lifted. Evictions can have long-lasting consequences for families and individuals, potentially disrupting school and education, worsening health, displacing neighborhood networks of support, and making it more difficult to find safe, affordable housing in the future. Perhaps most importantly, a lack of stable housing directly increases the risk of contracting COVID-19.⁴

WHEREAS, DeKalb County was the victim of an international criminal cyberattack on March 24, 2021, which is the subject of an on-going federal law enforcement investigation. This cyberattack eliminated the County’s ability to address the ongoing COVID-19 public health emergency through its Tenant Landlord Assistance Coalition (“TLAC”). Due to the attack and the ongoing federal investigation, the County no longer has access to most of the pending applications, emails and/or documents submitted to TLAC prior to March 24, 2021.

WHEREAS, the TLAC program was developed by DeKalb County stakeholders, including the DeKalb County Magistrate Court, to financially assist renters in danger of homelessness, including those currently subject to dispossessory proceedings in DeKalb County Magistrate Court. After the attack, tenants subject to dispossessory proceedings and landlords authorized under the law to initiate dispossessory proceedings, were unable to have their applications for TLAC relief processed immediately, as they would have but for the attack.

¹ <https://dph.georgia.gov/covid-19-daily-status-report>

² <https://coronavirus.jhu.edu/testing/tracker/overview>

³ <https://91-divoc.com/pages/covid-visualization/?chart=states&highlight=US-Northeast&show=highlight-only&y=both&scale=linear&data=testPositivity-daily-7&data-source=jhu&xaxis=right&extra=US-Midwest%2CUS-South%2CUS-West%2CUnited%20States#states>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>;
<https://jamanetwork.com/journals/jama/fullarticle/2766884>

WHEREAS, the TLAC program re-opened on June 21, 2021, and as of July 26, 2021, over 701 families have been helped with rental and utility payment assistance with payments made directly to landlords and/or utility companies, who have received much needed rental payments to ease the financial burden of the eviction moratorium.

WHEREAS, the Wall Street Journal reported that as of May 31, 2021, only 1.5 billion dollars of the 47 billion dollars Congress has appropriated to local governments has found its way into the hand of landlords and tenants.⁵

WHEREAS, DeKalb County received 31 million dollars from the federal government in the form of the Emergency Rental Assistance 1 and 2 grants to assist its citizens who are facing eviction and to reduce the commensurate financial burden on landlords who have been unable to evict residential tenants who qualify under the national CDC moratorium.

WHEREAS, prior to the international cyberattack, DeKalb County distributed approximately \$600,000.00 in rental and utility payment assistance to DeKalb County landlords and tenants.

WHEREAS, since the TLAC program re-opened a month ago, the County has distributed rental and utility payment assistance to landlords and utility companies for tenants in the amount of \$3,124,967.34.

WHEREAS, since its reopening on June 21, 2021, the TLAC program has 1657 pending applications and needs time to ensure that landlords and tenants receive the remaining federal rental and utility payment assistance they are entitled to as set forth in the TLAC program and applicable federal law and guidance.

WHEREAS, if the moratorium is not extended there are approximately 145 previously scheduled writs for eviction that will be processed in the normal course of business and there are a total of approximately 1651 writs for eviction currently pending in the DeKalb County Marshal's office.

WHEREAS, the public health state of emergency and cyberattack constitute a serious emergency in the Stone Mountain Judicial Circuit which substantially endangers or infringes upon the normal functioning of the judicial system, the ability of persons to avail themselves of the judicial system, and the ability of litigants or others to have access to the courts or to meet schedules or deadlines imposed by court order or rule, statute, or administrative rule or regulation pursuant to O.C.G.A. § 38-3-60 (2)(D).

Upon the request of the Chief Judge of the DeKalb County Magistrate Court and pursuant to O.C.G.A. § 38-3-61, through my authority as Chief Judge of the Stone Mountain Judicial Circuit, the undersigned DOES HEREBY ORDER AND DECLARE a Judicial Emergency in the Stone Mountain Judicial Circuit. The nature of this emergency is the continued COVID-19 public health emergency and cyberattack on the TLAC program which delayed relief targeted at parties to dispossessory proceedings.

⁵ *"Fraction of Covid-19 Rental Assistance Reaches Tenants and Landlord"*, The Wall Street Journal, July 2, 2021.

Thus, in order to protect the health, safety, and liberty of all citizens in this Judicial Circuit, and under the authority granted by Part 2 of Article 3 of Chapter 3 of Title 36 of the Official Code of Georgia, the undersigned hereby declares a Judicial Emergency in DeKalb County, Georgia. This Court hereby adopts and incorporates the attached “Centers for Disease Control and Prevention Department of Health and Human Services Order under Section 361 of the Public Health Service Act (42 USSC 264) and 42 Code of Federal Regulations 70.2 Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19” entered by Rochelle P. Walensky, MD, MPH, on March 28, 2021 into this Order as if fully set forth herein. Such Temporary Halt in Residential Evictions shall apply to all affected classes of courts in the Stone Mountain Judicial Circuit.

This Judicial Emergency shall take effect only upon expiration of the CDC Federal Eviction Moratorium and once in effect shall remain in effect for sixty (60) days following the expiration of the CDC Federal Eviction Moratorium unless otherwise extended or terminated for good cause shown.

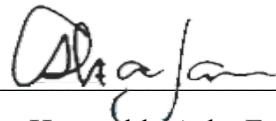
Should the state of emergency extend beyond the period indicated above or should the nature of the emergency otherwise require modification, a determination of available alternative remedies for the conduct of court business will be made as necessary, and a corresponding order will be entered and distributed in accordance with Georgia law.

IT IS FURTHER ORDERED, pursuant to O.C.G.A. § 38-3-63, that notice and service of a copy of this Order shall immediately be sent to Chief Justice of the Georgia Supreme Court, the Clerks of the Georgia Supreme Court and Georgia Court of Appeals, and all Judges and Clerks in the Stone Mountain Judicial Circuit, such service to be accomplished through means to assure expeditious receipt, which include electronic means; and

IT IS FURTHER ORDERED that the Sheriff of DeKalb County shall post this Order on her public notification site and in the courthouse; and

IT IS FURTHER ORDERED that notice shall also be sent to the media, the State Bar of Georgia, and the officials and entities listed below and shall constitute sufficient notice of the issuance of this Order to the affected parties, counsel for the affected parties, and the public.

IT IS SO ORDERED this 30th day of July, 2021.



The Honorable Asha F. Jackson
Chief and Administrative Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit

cc: Michael L. Thurmond, Chief Executive Officer, DeKalb County Georgia
Robert Patrick, Commissioner for District 1, DeKalb County Georgia
Jeff Rader, Commissioner for District 2, DeKalb County Georgia
Larry Johnson, Commissioner for District 3, DeKalb County Georgia
Stephen R. Bradshaw, Commissioner for District 4, DeKalb County Georgia
Mereda Davis-Johnson, Commissioner for District 5, DeKalb County Georgia
Edward C. "Ted" Terry, Commissioner for Super District 6, DeKalb County Georgia
Lorraine Cochran-Johnson, Commissioner for Super District 7, DeKalb County Georgia
Steve Gottlieb, Esq., Executive Director of Atlanta Legal Aid Society
Mike Williams, Esq. Atlanta Apartment Association
Pete Walker, Director of the DeKalb County Housing Authority
Zachary Williams, Chief Operating Officer, DeKalb County Georgia
La'Keitha Carlos, Chief of Staff, DeKalb County Chief Executive Officer
Kwasi Obeng, Chief of Staff, DeKalb County Board of Commissioners
John Matelski, Director of IT, DeKalb County Board of Commissioners
Viviane H. Ernstes, County Attorney, DeKalb County Georgia