

**COVID -19**  
**PRESIDENT TRUMP'S EXECUTIVE ORDER**  
**AUGUST 8, 2020**

On August 8, 2020, President Trump issued an “Executive Order on Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners”. This Executive Order does not contain any specific provisions relating to evictions. Rather, it merely directs certain governmental agencies to initiate efforts to both consider and address the potential issues arising from evictions. Specifically, the Executive Order directs:

- (a) The Secretary of Health and Human Services and the Director of the CDC to “consider” whether any measures temporarily halting residential evictions for non-payment of rent are “reasonably necessary” to prevent the further spread of COVID-19;
- (b) The Secretary of the Treasury and the Secretary of Housing and Urban Development to “identify” federal funds to provide temporary financial assistance to renters and homeowners with a COVID-19 related financial hardship;
- (c) The Secretary of Housing and Urban Development to take action, as appropriate and consistent with applicable law, to avoid evictions or foreclosures resulting from COVID-19 financial hardship, including encouraging alternatives to evictions and foreclosures, as well as providing assistance to public housing authorities, affordable housing owners, landlords, and recipients of federal grant funds; and
- (d) The Director of FHFA to “review” all existing authorities and resources that may be used to prevent evictions.

The Executive Order expressly provides that it is “not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States...or any other person.”

As such, the Executive Order does not appear to impose any new restrictions or requirements in relation to residential or commercial evictions. Rather, it merely encourages and authorizes HUD and other agencies to identify and implement programs to address evictions, including funding sources and eviction alternatives. Therefore, while the Executive Order does not extend the CARES Act or otherwise alter the means by which non-payment of rent cases may be addressed, it appears to contemplate further action by the aforementioned agencies, including the enactment of new regulations. We will continue to monitor these agencies, and their respective responses to the Executive Order, in the coming weeks and months. It should also be noted that the creation of regulations pursuant to this Executive Order may be subject to legal challenges as they may be deemed an unconstitutional usurping of the legislature’s authority.

Please feel free to contact our office with any questions or if we may assist you with any of your legal matters.