

Attorneys:

- **Michael A Ceccorulli**
mceccorulli@pullcom.com
860-424-4394
- **Adam J. Cohen**
ajcohen@pullcom.com
203.330.2230
- **Joshua S. Cole**
jcole@pullcom.com
203.330.2217
- **Geoffrey F. Fay**
gfay@pullcom.com
203.674.7976
- **Monte E. Frank**
mfrank@pullcom.com
203.330.2262
- **Jonathan A. Kaplan**
jkaplan@Pullcom.com
860.424.4379
- **John J. Kindl**
jkindl@pullcom.com
860.541.3307
- **Brion J. Kirsch**
bkirsch@pullcom.com
860.424.4349
- **Edward P. McCreery III**
emccreery@pullcom.com
203.330.2216
- **Gary B. O'Connor**
goconnor@pullcom.com
860.424.4366
- **Steven J. Stafstrom Jr.**
sstafstrom@pullcom.com
203.330.2266

Executions On Commercial Evictions and Limited Residential Evictions Can Proceed Starting September 2, 2020

September 1, 2020

by Jonathan A. Kaplan

Although Governor Lamont's Executive Orders did not stay commercial evictions, they were practically stayed as the Judicial Branch imposed a stay on the service of any execution of eviction – the final step necessary to re-take possession of a property. This stay also barred limited residential evictions that were allowed to proceed (including evictions based on serious nuisances and residential nonpayment of rent on or before February 29, 2020). Starting September 2, 2020, these evictions will be allowed to proceed, along with evictions where a landlord seeks to return to the property and use it as his or her principal residence. On August 31, 2020, the Judicial Branch issued an order lifting the stay of execution for these types of evictions effective September 2. A copy of the order can be found [here](#). This also applies to any eviction where judgment entered prior to March 19, 2020 or where title vested prior to March 19, 2020 following a foreclosure and the party seeks an execution of ejection. There is one caveat: the federal moratorium on evictions or foreclosures still applies and if applicable, bars the landlord from proceeding. This is welcome news for landlords who have been curtailed in their ability to re-take possession of their properties due to COVID-19.

There is one additional impediment to proceeding on commercial evictions, although it is anticipated to be short-lived. The Judicial Branch entered an order suspending the deadline for parties to file appearances, which means a landlord cannot default a tenant for failing to appear in the case. Governor Lamont's Executive Order 7000 also addressed this, requiring the Judicial Branch to lift the suspension on or before September 20, 2020.

Executions On Commercial Evictions and Limited Residential Evictions Can Proceed Starting September 2, 2020

Please see our recent alert for additional information on Executive Order 7000.

This publication is intended for educational and informational purposes only. Readers are advised to seek appropriate professional consultation before acting on any matters in this update. This report may be considered attorney advertising. To be removed from our mailing list, please email unsubscribe@pullcom.com with "Unsubscribe" in the subject line. Prior results do not guarantee a similar outcome.