



**Frequently Asked Questions (FAQs)  
about Evictions during the Judicial Emergency  
Updated July 30, 2020 Version 2.0**

*You, your case, and everyone's good health matter to the Magistrate Court!*

*#MaskUpCobb*

This is not intended to be used as legal advice. Please consult an attorney for legal advice about your individual case.

**Is Magistrate Court open?**

Yes. During this difficult time of pandemic and economic disruption, the Magistrate Court of Cobb County has remained open and working twenty-four (24) hours/day, every day. The Clerk's Office has continued to be accessible to the public in-person and by telephone during regular business hours. Because of the dedication and innovation of our own essential workers, the doors of the People's Court never closed to our community.

**Is there an eviction moratorium?**

Section 4024 of the federal CARES Act precluded landlords from filing evictions for nonpayment on certain covered dwellings for a one-hundred twenty (120) day period ending July 25. The Act also requires that tenants be provided a thirty (30) day notice to vacate which could be provided no earlier than July 26. Read together, Section 4024(c) of the CARES Act, O.C.G.A. § 44-7-50(a), and [Uniform Magistrate Court Rule 46. Emergency Dispossessory](#) preclude a landlord from filing a new eviction action for nonpayment on a covered dwelling until August 25, 2020. Congress is currently debating whether to extend or amend this moratorium.

**I am a landlord. Can I file a new eviction case?**

Under Section 4024 of the CARES Act, as explained above, a landlord may not file an eviction for nonpayment on a covered dwelling before August 25. The CARES Act has additional prohibitions on other filings; landlords should seek legal counsel to ensure compliance with federal law. Note also: before August 25, 2020, [Uniform Magistrate Court Rule 46. Emergency Dispossessory](#) requires a landlord who files a dispossessory action seeking possession of a residential premises for nonpayment of rent to file the [CARES Act Affidavit](#).

### **What is the judiciary's response to the COVID-19 pandemic?**

On March 14, 2020, Chief Justice Harold D. Melton of the Georgia Supreme Court issued an amended Order Declaring Statewide Judicial Emergency. The Chief Justice has extended and revised the statewide Order on multiple occasions. All Georgia courts must continue to operate under the Statewide Judicial Emergency provisions until August 11, 2020 at the earliest.

### **Have deadlines been reinstated?**

Chief Justice Melton's [Fourth Order Extending Declaration of Statewide Judicial Emergency](#) issued on July 10, 2020 reimposed deadlines on litigants effective July 14, 2020. All litigant timelines began or resumed running as of July 14, 2020.

### **If I am served with a new eviction action, do I need to file an Answer?**

Yes. If you were served on or after July 14, 2020, you **MUST** answer on or before the seventh day after service as required by law and explained in the Summons.

If you were served before July 14, 2020, your Answer was due on July 21, 2020. If you did not file a timely Answer, please call the Magistrate Court at (770) 528-8900.

### **How do I file an Answer?**

You may answer:

- On-line at <https://efile.cobbcounty.org> or
- In-person at the Magistrate Court of Cobb County, Civil Division, Third Floor, 32 Waddell Street, Marietta, Georgia 30090 on Mondays – Fridays, 8:00 a.m. – 5:00 p.m.

### **What happens if I don't file a timely Answer?**

If you do not answer on or before the seventh day after service, a Writ of Possession may be issued without a hearing, and a judgment against you for money damages may be entered.

### **I received a court date notice for a hearing in July. Why was it cancelled?**

Landlord/tenant hearings were originally scheduled to resume in the Magistrate Court of Cobb County on July 14, 2020 upon the reinstatement of litigant deadlines by the Georgia Supreme Court. Please see Chief Judge Murphy's [letter](#) explaining the decision to reschedule these cases.

### **When will dispossessory (landlord/tenant) hearings resume?**

Hearings are set to resume the week of August 10. The Clerk's Office is currently scheduling the oldest cases first as well as cases that present extraordinary circumstances such as the destruction of property or unsafe living situations.

**What should I do if my case presents such an extraordinary circumstance?**

Please send an extraordinary request for expedited hearing to [Sherry.Head@cobbcounty.org](mailto:Sherry.Head@cobbcounty.org) and [Sabrina.Parker@cobbcounty.org](mailto:Sabrina.Parker@cobbcounty.org) stating the grounds for your request. Make sure to copy the opposing party on the e-mail so that they have an opportunity to respond. Responses should also be e-mailed to Ms. Head and Ms. Parker and copied to the opposing party. Requests and responses may also be filed in-person at the Magistrate Court and served personally or through U.S. mail. The Court may now issue Writs in such cases after a hearing or default.

**When will my dispossessory (landlord/tenant) hearing be held?**

Parties will receive a hearing notice with a court date after the Answer is filed.

**What do I need to know about COVID-19 protocols before I come to the courthouse?**

A mask or face covering is required to enter the courthouse. Your temperature may be taken upon entry. Please maintain social distancing at all times and print out any evidence for the court.

Please do not appear in person if you are sick or have been in contact with someone known or suspected to be positive for COVID-19:

- Have you had a recent onset of coughing?
- Have you had any recent difficulty breathing?
- Have you been around anyone who has been outside of the country in the last 14 days, or
- Have you been around anyone who has been diagnosed with or is under investigation for potential COVID-19 infection?

If your answer to any of the above questions is **YES**, please contact the Court at **(770) 528-8900**.

**What precautions are being taken to ensure public health at the courthouse?**

The Magistrate Court has developed detailed protocols for in-person proceedings including setting limited, staggered calendars throughout the day in lieu of large calendar calls, requiring social distancing in the courtroom and opening additional waiting areas, mandating face coverings, making hand sanitizer available, and establishing temperature screening.

For more information, please see the [“General Safety Guidelines Memorandum”](#) issued by Cobb Judicial Circuit Chief Superior Court Judge Reuben M. Green on June 16, 2020 and the [“Supplemental Operating Guidelines](#) for the Magistrate Court of Cobb County during the COVID-19 Pandemic and Judicial Emergency, effective July 16, 2020.”

**Are Writs of Possession and “blue slips” being released to landlords and the Sherriff’s Office?**

The Magistrate Court is phasing in the release of Writs and “blue slips.” The Court will now release Writs issued after a hearing or default as a result of an extraordinary request for expedited hearing based on grounds described above such as destruction of property or unsafe living situations. Starting August 3, Writs signed before the March 14 declaration of statewide judicial emergency may be released upon request. Starting August 10, any Writ issued after default or a hearing may be released upon request.

**Is the Sheriff’s Office currently providing stand-by assistance during the execution of Writs of Possession?**

The Magistrate Court has no role in the execution of Writs. Please contact the Sheriff’s Office Civil Division at (770) 499-4641 for the latest information.

**I am worried that I will be evicted. What should I do?**

Contact a lawyer and stay in contact with your landlord or management company to determine what options may be available to you during this difficult time.

**Can I make partial rent payments?**

Each situation is unique. Contact an attorney, review your lease, or discuss partial payments with your landlord or management company directly.

**Is there rental assistance available?**

The Cobb County Board of Commissioners has appropriated \$1.5 million in CARES Act funding for rental assistance. The Board selected the non-profit organization Star-C to administer the program. Please contact Star-C for more information about program terms and eligibility:

[www.star-c.org/eviction-relief](http://www.star-c.org/eviction-relief)

hello@star-c.org

(404) 698-3781

**What about foreclosures?**

Magistrate Court does not handle residential property foreclosures. Please speak with an attorney or your mortgage company.

**How can I get an attorney to help me?**

Please call Cobb Legal Aid (770-528-2565) or the Cobb County Bar Association Lawyer Referral Service (770-424-2947) for help finding legal representation. No or low cost options may be available.

**What should I do if I have a question about an eviction case?**

Please visit <http://www.cobbcounty.org/courts/magistrate-court> or contact the Magistrate Court at MagCivil@cobbcounty.org or (770) 528-8900. A real person will respond during normal business hours: Mon - Fri, 8:00 a.m. – 5:00 p.m.