

SUPREME COURT OF OKLAHOMA

Order Regarding the Coronavirus Aid, Relief, and Economic Security Act

2020 OK 22 · Decided May 1, 2020

SUMMARY

The Supreme Court of Oklahoma adopted a temporary pleading requirement for eviction actions filed on or after March 27, 2020, requiring plaintiffs to affirmatively plead whether the property is a covered dwelling under Section 4024 of the CARES Act. The order requires use of a verification form and remains effective until further order of the Court; Justice Rowe dissented.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Per curiam; Noma D. Gurich, Chief Justice; Darby, Vice Chief Justice; Kauger, Justice; Winchester, Justice; Edmondson, Justice; Colbert, Justice; Combs, Justice; Kane, Justice; Rowe, Justice
JURISDICTION	Oklahoma
DECIDED	May 1, 2020
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Oklahoma issued an administrative order under its superintending authority to implement temporary pleading requirements for residential eviction actions during the COVID-19 pandemic.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court administrative order

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QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should require plaintiffs in residential eviction actions to plead whether the property is a covered dwelling under the CARES Act.

2. Whether the Court should require a verification of compliance with Section 4024 of the CARES Act in covered eviction proceedings.

HOLDINGS

1. Pursuant to its superintending authority under Article 7, Section 4 of the Oklahoma Constitution, the Supreme Court of Oklahoma required plaintiffs filing a petition for forcible entry and detainer or an affidavit for possession on or after March 27, 2020, to affirmatively plead whether the property involved is a covered dwelling under the CARES Act.
2. The Court mandated use of the attached Verification of Compliance with Section 4024 of the CARES Act for new filings and required plaintiffs to supplement pending cases lacking the verification, until further order of the Court.

KEY QUOTATIONS

“In order to address residential evictions, an issue that has health and safety implications, and pursuant to our superintending authority under Article 7, Section 4 of the Oklahoma Constitution, this Court adopts and mandates the implementation of the following temporary pleading requirement.” (¶ 2)

“This temporary pleading requirement merely reflects the Act’s moratorium prohibiting the lessor of a covered dwelling from filing a legal action to recover possession of the property for nonpayment of rent.” (¶ 3)

FACTUAL BACKGROUND

Congress enacted the CARES Act, including a temporary moratorium on certain eviction actions involving covered dwellings. In response to the health and safety implications of residential evictions during the COVID-19 pandemic, the Oklahoma Supreme Court adopted a temporary pleading requirement requiring eviction plaintiffs to identify whether the property is a covered dwelling under the CARES Act. The requirement applies to new filings and requires supplementation of pending cases.

PROCEDURAL HISTORY

The order was issued by the Supreme Court of Oklahoma in conference. It applies to new and pending forcible-entry-and-detainer actions and affidavits for possession filed on or after March 27, 2020. The order was effective upon filing; two justices dissented in whole or in part.

DISPOSITION

other

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