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**DEPARTMENT OF JUSTICE GUIDANCE PERTAINING TO
EMERGENCY ORDER #4 AND EMERGENCY ORDER #24 PURSUANT TO
EXECUTIVE ORDER 2020-04**

Temporary prohibition on evictions and foreclosures

Attorney General Gordon J. MacDonald
Friday, April 03, 2020

On March 17, 2020, Governor Christopher T. Sununu issued Emergency Order #4 Pursuant to Executive Order 2020-04. On April 03, 2020, Governor Sununu issued Emergency Order #24, which modified and clarified certain sections of Emergency Order #4. The Department of Justice issues the following guidance on the joint impact of Emergency Orders #4 and #24:

Emergency Order #4 ("Order #4") prohibits the initiation of eviction proceedings during the ongoing State of Emergency. Order #4 also prohibits New Hampshire courts from issuing any eviction orders until the State of Emergency is lifted. Emergency Order #24 ("Order #24") clarified that Order #4 does not apply to eviction proceedings based on violations of a lease or violations of law which result in (i) substantial damage to the premises, or (ii) a substantial adverse impact on the health and safety of others.

Order #4 also prohibits all judicial and non-judicial foreclosure actions during the State of Emergency. Order #24 clarified that Order #4 does not prevent the recording of a foreclosure deed and affidavit with respect to a foreclosure sale that occurred before March 16, 2020.

It is important for tenants to understand that the Order does not entitle anyone to free rent during the State of Emergency. All rent that is unable to be paid during the State of Emergency must be paid in full once the State of Emergency is lifted. The Order allows tenants who have experienced a loss of income or who cannot afford to pay rent during the State of Emergency to delay payment until the State of Emergency is lifted without being evicted. Tenants who have not experienced a loss of income and can afford to pay rent are required to do so during the State of Emergency.

The Order similarly does not entitle property owners to stop making mortgage payments during the State of Emergency. At the conclusion of the State of Emergency, all tenants and property owners will be subject to eviction and foreclosure if they have not remained current with rent and mortgage payments.