

**From:** [WILLIAM A CHARLTON](#)  
**To:** [Hon. Desmond W. Hoda](#)  
**Cc:** [rgpierce](#); [RAMEY S SMITH](#)  
**Subject:** Response to inquiry on eviction proceedings  
**Date:** Friday, March 20, 2020 11:08:40 AM  
**Attachments:** [MS State of Emergency Declaration.pdf](#)

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Judge Hoda,

In response to your inquiry on eviction proceedings following the Governor's Proclamation declaring a state of emergency due to the coronavirus (COVID-19) pandemic (see attachment), MJC would direct your attention to the Emergency Administrative orders issued by the Mississippi Supreme Court as published on the State of Mississippi Judiciary web site. All business of courts shall be conducted in compliance with those orders. They require that local courts remain open, but that steps and measures be taken as necessary to protect the health and safety of the citizens of this state. They also authorize trial courts to exercise sound discretion in extending deadlines, rescheduling hearings and trials and any other matters by case specific actions or by general orders.

If you decide to hear an eviction action, as opposed to postponing it until the state of emergency has been lifted, then you must comply with the applicable statutory or rules procedures not otherwise in conflict with the Emergency Administrative orders of the Mississippi Supreme Court or any provisions of state statutes, rules, regulations, or orders that have been temporarily suspended or modified pursuant to the Governor's authority under Miss. Code Ann. § 33-15-11(c)(1). At this time, MJC is not aware of any statutes under the Landlord and Tenant Chapter (Title 89, Chapter 7) of the Mississippi Code that have been temporarily suspended or modified in response to the coronavirus (COVID-19) pandemic. But, given the fluidity of this emergency situation, it could happen at any time.

Another concern is whether the residential rental property may be subject to Proclamations of White House actions temporarily suspending "all foreclosures and evictions" amid the coronavirus crisis.

Here is a link to information pertaining to HUD evictions and foreclosures:

<https://www.cnbc.com/2020/03/18/coronavirus-trump-says-hud-will-suspend-foreclosures-evictions-until-end-of-april.html>

We would strongly urge that any judge hearing an eviction action to make sure that the property is not subject to HUD regulations. You might want to have the landlord sign a sworn statement to that effect for keeping in your court file before issuing a warrant of removal. Remember, it is within your sound discretion to hear these matters during this crisis.

I hope that this information is helpful.

Sincerely,  
William Charlton  
MJC Research Counsel II