

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

In the Matter of:)

District Court Eviction Protocol)

UPDATED PJ ORDER # 878

Effective 31 March 2021 to 30 June 2021

The Center for Disease Control and Prevention (CDC) had filed an Order titled: The Temporary Halt of Evictions to Prevent the Further Spread of COVID 19. Unless extended, modified or rescinded, this Order was to be in effect 14 October through 31 December 2020.

On 20 January 2021 the CDC extended the Order until at least 31 March 2021. The CDC has recently extended the Order until 30 June 2021. Therefore PJ Order #866 is extended until at least 30 June 2021. It provided:

The Federal Order ("Order") provides, in part, that a Landlord or property owner, with a legal right to pursue eviction, "shall not evict a person or pursue an eviction or possessory action from a residential property". The Order is limited to actions for non-payment of rent and sets forth the definition and requirements for said protection. The Order requires the Tenants to file a "Declaration", as described in said Order and to provide said "Declaration" to the Landlord. No protection is afforded under the Order until a "Declaration, is executed under penalty of perjury and is provided to the Landlord. Once given, however, protection is immediately invoked, and the Landlord is immediately prohibited from pursuing any eviction action.

The Tenant's obligation to pay rent is continuing and not affected by the Federal Order.

Pending Evictions –

All cases pending will continue to be scheduled and heard until such time that a “Declaration” is provided to the Landlord or his agent. Thereupon, all further action will immediately cease. If a matter is scheduled for a hearing and the Landlord receives the “Declaration” prior to the hearing, the Landlord shall immediately advise the Court that a “Declaration” has been received (and must submit a copy of the “Declaration” through the Courts Electronic Filing System). Upon court receipt, the case will be removed from the calendar, and will be placed in a separate queue awaiting reassignment, which will occur upon the expiration of the moratorium. These cases will **not** be dismissed.

New Eviction Filings –

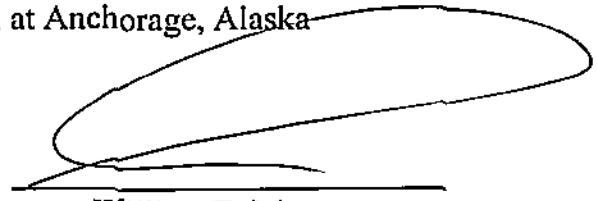
The Order from The Center for Disease Control and Prevention (CDC) does not prohibit new filings for non-payment of rent, unless a “Declaration” has been provided by the Tenant. If no “Declaration” has been received, the case may be filed, however there are new forms that must be completed by the Landlord.

Eviction Hearings –

Be advised that the “Declaration” may be provided at any time during the eviction process, including at the initial hearing, any Post-Judgment hearing related to issuance of Execution, or at any time prior to the completion of service of an Execution. Both parties are subject to potential significant penalties, civil and criminal, for wrongful acts and/or false declaration, and therefore all parties should read the Federal Order.

The District Court will not award attorney’s fees or late fees until further notice.

DONE this 6th day of April 2021, at Anchorage, Alaska



William F. Morse
Presiding Judge
Third Judicial District

Distribution

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