



Good Afternoon Members,

I hope you are all doing well and are staying healthy and safe under the current extraordinary circumstances. The DAA has been working behind the scenes with our Executive Committee along with our Lawyer, Michael P. Morton, P.A. in regards to the concerns regarding Governor Carney's 6th Modification State of Emergency.

**Below you will find Morton, Valihura & Zerbato firms position on this modification:**

Pursuant to Governor Carney's 6th State of Emergency modification with respect to late fees, the firm's position is as follows:

- 1) Any five day notice sent out should **not** include any late fees.
- 2) Any action filed before 3/13/20 would not be deemed defective if the 5 day notice contains late fees provided the 5 day notice was accurate and otherwise complied with existing law in effect when sent.
- 3) No late fees may accrue on any residential tenant's account until the state of emergency is terminated **and** the public health emergency is rescinded.
- 4) In any new filing, the Complaint should demand a late fee for March, 2020, provided under the lease it accrued and was charged **before** 3/13/20. Provided it's not in the late notice, the worst case scenario is that the Court removes the late fee, but it would not affect the claim for possession.

Clients should continue to file rent cases with the understanding that the court will not accept them, but they will remain in que until scheduled. The Court will schedule cases in accordance with the date and time filed, oldest to newest. Clients should save the electronic acknowledgement they received once filed to have documentation to prove the date and time the matter was filed through Eflex.

**Summary**

**No 5 day letters from this date forward should include late fees for the month of March forward.**

**You should file promptly as your complaints will be addressed on a "first come first serve" basis whenever the Court starts hearing cases. Finally, all Complaints that you**

**file should include a demand for late fees for the months through March, assuming that your right to late fees for March were charged and accrued before March 13, 2020**