

COVID-19 Emergency Orders Affecting Real Estate North Carolina

Last updated May 21, 2020

MORTGAGE ENFORCEMENT LIMITATIONS

March 31, 2020 – Office of the Governor Executive Order Number 124:

- Governor Roy Cooper issued an executive order that, among other things, encourages (but does not require) North Carolina licensed / regulated banks/mortgage lenders/servicers to: (a) implement the following measures for business/individuals who are North Carolina residents and can demonstrate financial hardship caused by COVID-19 (i) waive late fees for loan balances, and (ii) offer payment accommodations, and (b) implement the following measures for resident mortgage borrowers who attest they are unable to make timely payments: (i) forbear mortgage payments for 180+ days from their due dates and allow mortgagors to extend loan terms by such time without a lump sum payment, (ii) waive late payment fees for 90 days, and (iii) postpone foreclosure/eviction proceedings for 90 days.

<https://files.nc.gov/governor/documents/files/EO124-Utilities-Evictions-Financial-Services.pdf>

LANDLORD/TENANT ENFORCEMENT LIMITATIONS

March 31, 2020 – Office of the Governor Executive Order Number 124:

- Governor Roy Cooper issued an executive order that, among other things, prohibits the filing of all new eviction proceedings until April 17, 2020 and encourages (but does not require) Clerks of Superior Court and sheriffs of all counties in North Carolina to hold the issuance and execution of any writs of possession (legal documents under which evictions are performed) until April 17, 2020.

NON-ESSENTIAL BUSINESS RESTRICTIONS

State of North Carolina

May 21, 2020 – Office of the Governor Executive Order Number 141 (Easing Restrictions on Travel, Business Operations and Mass Gatherings: Phase 2):

- Governor Roy Cooper issued an executive order that, among other things, lifts the stay at home order provided for in Executive Order 138 (issued on May 5, 2020; see summary below) and allows for all most all business (including, without limitation, retail businesses, restaurants (including for on premises dining, which is now allowed), personal care, grooming and tattoo businesses, child care facilities, day camps and overnight camps and parks, trails and beaches) to open and operate subject to certain businesses complying with additional restrictions (including, without limitation, following social distancing guidelines and for retail businesses, restaurants and personal care, grooming and tattoo businesses, limiting occupancy to not more than 50% of stated fire capacity (or 12 customers per 1,000 square feet if no stated fire capacity)). Entertainment and fitness facilities without a retail or dining component (e.g. gyms, health clubs and fitness centers, indoor fitness facilities, skating rinks, bowling alleys, movie theaters, performance venues, amusement parks, bars, night clubs, etc.) are not allowed to open and operate and must remain closed. Executive Order 141 is effective as of 5 pm on May 22, 2020 and shall remain in effect through 5 pm on June 26, 2020.

<https://files.nc.gov/governor/documents/files/EO141-Phase-2.pdf>

May 5, 2020 – Office of the Governor Executive Order Number 138 (Modification of Stay at Home Order):

- Governor Roy Cooper issued an executive order that, among other things, modifies the previous Stay at Home Orders to permit additional business to open and activities to resume subject to the requirements set forth therein (including, without limitation, following social distancing guidelines and for retail businesses, limiting occupancy to not more than 50% of stated fire capacity (or 12 customers per 1,000 square feet if no stated fire capacity)), while the following businesses are still required to remain closed: (a) personal care/grooming businesses (e.g. salons, massage therapists, tattoo parlors, etc.); (b) entertainment facilities without a retail or dining component (e.g. gyms, bowling alleys, movie theaters, performance venues, etc.); and (c) sit-down services in restaurants and bars (but restaurants and bars may still remain open to serve customers for off-premises consumption occurs off premises (sit down services are prohibited). Executive Order 138 is effective May 8, 2020 at 5 pm and expires on May 22, 2020 at 5 pm.

<https://files.nc.gov/governor/documents/files/EO138-Phase-1.pdf>

April 23, 2020 – Office of the Governor Executive Order Number 135 (Extension of Stay at Home Order):

- Governor Roy Cooper issued an executive order that, among other things, extended the stay at home order implemented under, among others, Executive Order 120 (issued on March 23, 2020; see summary below), Executive Order 121 (issued on March 27, 2020; see summary below) and Executive Order 131 (issued on April 9, 2020; see summary below), until 5:00 pm EDT on May 8, 2020.
<https://files.nc.gov/governor/documents/files/EO135-Extensions.pdf>

April 9, 2020 - Office of the Governor Executive Order Number 131 (Policies for Retail Establishments):

- Governor Roy Cooper issued an executive order requiring, among other things, that all retail establishments permitted to operate under Executive Order 121 (issued on March 27, 2020; see summary below) limit their occupancy to 20% of their stated fire capacity or 5 customers per 1,000 square feet of their retail location (including non-customer facing areas), and if such establishment has reached or is expected to reach the maximum occupancy under said Executive Order, then such establishment must enforce the limit on occupancy with staff placed at the entrances to such establishment.
<https://files.nc.gov/governor/documents/files/EO131-Retail-Long-Term-Care-Unemployment-Insurance.pdf>

April 8, 2020 – Federal Emergency Management Agency Aid Regarding Housing:

- Governor Roy Cooper announced that North Carolina has received FEMA approval to provide housing alternatives (hotels, motels etc.) for residents of North Carolina with unstable housing who may need to quarantine or who are at high-risk for severe illness from COVID-19.
<https://governor.nc.gov/news/fema-approves-north-carolina-request-stand-shelters-follow-social-distance-guidelines>

March 27, 2020 - Office of the Governor Executive Order Number 121:

- Governor Roy Cooper issued an executive order directing all individuals in North Carolina to stay at home, except for essential persons and activities. Construction, building management/maintenance, legislators, court personnel, legal service, accounting service, real estate services, engineering/architectural services, surveying services, mail services, financial/insurance institutions (including banks and title companies), judges, and governmental operations are considered “essential”. The order is effective through April 29, 2020.
<https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

March 23, 2020 - Office of the Governor Executive Order Number 120:

- Governor Roy Cooper issued an executive order directing local agencies and officials to continue to exercise their responsibilities, including Registers of Deeds and other local government functions required to protect lives and property. Such executive order is effective as of March 25, 2020 and is to continue for 30 days unless rescinded or superseded.

<https://files.nc.gov/governor/documents/files/EO120.pdf>

North Carolina State – Secretary of State Process Changes:

- Secretary of State Buildings are closed to the public (including, the Secretary of State's offices in downtown Raleigh and Atlantic Avenue locations) until further notice. Processing times may be delayed due to current circumstances and, in order to provide evidence of filings and communications with filers in as timely and efficiently as possible, filers should include a cover letter indicating the filer's email in telephone number (form BE-01).

<https://www.sosnc.gov/Corporations/>; <https://www.sosnc.gov/forms>

City of Charlotte (Mecklenburg County)

April 29, 2020 – Mecklenburg County (Charlotte) – Proclamation Regarding Recission of County Shelter-In-Place Order and Adoption of State Stay at Home Order:

- County Board of Commissioners of Mecklenburg County issued a proclamation announcing that, effective April 30, 2020, the Mecklenburg County Shelter-In-Place Order (issued on March 24, 2020; see summary below) is rescinded and the North Carolina State stay at home orders as established by Executive Order 121 (issued on March 27, 2020; see summary above), Executive Order 131 (issued on April 9, 2020; see summary above) and Executive Order 135 (issued on April 23, 2020; see summary above), as may be further extended and/or amended by Executive Order, are adopted by Mecklenburg County.

<https://www.mecknc.gov/news/Pages/County-Transitions-to-States-Stay-at-Home-Order.aspx>

April 16, 2020 – Mecklenburg County (Charlotte) – Amended and Restated Shelter-In-Place Order:

- County Board of Commissioners of Mecklenburg County issued an amended and restated order that effectively extended the Shelter-In-Place Order (issued on March 24, 2020; see summary below) through the later of April 29, 2020 or, if Executive Order Number 121 is extended by the Governor of North Carolina, the date that Office of the Governor Executive Order Number 121 (issued on March 27, 2020; see summary above) expires.

<https://www.mecknc.gov/news/Pages/Amended-Stay-at-Home-Order.aspx>

March 24, 2020 - Mecklenburg County (Charlotte) – Shelter-In-Place Order:

- Effective through April 16, 2020, except for essential business/activities, all residents in Mecklenburg County are restricted to shelter at their places of residence. Construction, building management and maintenance, financial institutions (including title companies), mail/delivery services, and operations by courts/court personnel are among activities that are considered “essential”.
<https://www.mecknc.gov/news/Documents/Mecklenburg%20County%20Stay%20at%20Home%20Orders.pdf>

City of Raleigh, Wake County

April 29, 2020 – Wake County (Raleigh) – Termination of Wake County Stay at Home Order and Adoption of State Stay at Home Order:

- Chairman of the Wake County Board of Commissioners issued a proclamation terminating the Wake County Stay at Home Order (as amended) effective as of April 30, 2020 and adopting for Wake County all restrictions and prohibitions contained in all of the Executive Orders issued by the Governor of North Carolina (as the same may be extended and/or amended) that are related to the activity of people and business.
<https://covid19.wakegov.com/wp-content/uploads/2020/04/DOC042920-04292020124553.pdf>

April 18, 2020 – Wake County (Raleigh) – Second Amendment to Stay at Home Order:

- Chairman of the Wake County Board of Commissioners issued a second amendment to the Stay at Home Order to clarify that the employer screening requirement imposed as part of the first amendment to the Stay at Home Order from April 15, 2020 (see note below) requires each employer to screen each employee for COVID-19 symptoms prior to such employee’s shift (and includes discussions on shortness of breath, coughing, sore throat and respiratory issues) and encourages (but does not require) employers to take employee’s temperature as part of such screening.
<https://covid19.wakegov.com/wp-content/uploads/2020/04/Second-Amendment-to-Proclamation-of-Emergency-Restrictions.pdf>

April 15, 2020 – Wake County (Raleigh) – Amendment to Stay at Home Order:

- Chairman of the Wake County Board of Commissioners issued an amendment to the Stay at Home Order from March 26, 2020 (see note below) which extended the stay at home order through April 30, 2020. The amendment also requires employers to check each employee for symptoms for COVID-19 (including taking

each employee's temperature at the start of each shift).

<https://covid19.wakegov.com/wp-content/uploads/2020/04/First-Amendment-to-Proclamation-of-Emergency-Restrictions.pdf>

March 26, 2020 - Wake County (Raleigh) – Stay at Home Order:

- Effective through April 16, 2020, except for essential activities, residents are ordered to remain in their residence. Governmental services needed to ensure the continuing operations of government agencies, commercial and residential construction professions, banks/insurance/related financial institutions, mail services, professional real estate services (includes appraisers, notary services, title insurers and inspectors) are all considered “essential”.

<http://www.wakegov.com/covid19/Documents/FinalSignedSOE3-26-20.pdf>

COURT ACCESS /JUDICIAL PROCESS LIMITATIONS

State

- See following links for information about COVID-19 related orders applicable to proceedings in state courts:

<https://www.nccourts.gov/covid-19-coronavirus-updates>

<https://www.nccourts.gov/covid-19-coronavirus-updates#county-announcements-and-updates-8556>

Federal

- See following links for information about COVID-19 related orders applicable to proceedings in Federal courts:

<https://www.uscourts.gov/news/2020/03/12/judiciary-preparedness-coronavirus-covid-19>

<https://www.uscourts.gov/about-federal-courts/court-website-links/court-orders-and-updates-during-covid19-pandemic>

RECORDING/FILING OFFICE LIMITATIONS

- Below is a link to relevant information about recording offices prepared by the American Land Title Association.

<https://www.alta.org/business-tools/county-status.cfm?state=NC>

- Below are links to relevant information about filing offices prepared by CT Corporation System and Corporation Service Company

<https://ct.wolterskluwer.com/covid-19-status?v=794331>

<https://www.cscglobal.com/blog/covid-19-state-closings/>

REMOTE NOTARIZATION

- Although North Carolina permits electronic notarization solutions (electronic signatures and seals included) from electronic notary solution providers approved by the NC Department of Secretary of State (such providers are indicated in the below link), North Carolina does **not** currently permit remote notarization.

https://www.sosnc.gov/divisions/notary/e_notary_solution_providers