

OKLAHOMA DISABILITY LAW CENTER, INC.

5555 E 71ST STREET
SUITE 9100
TULSA, OKLAHOMA 74136

PHONE: (918) 743-6220 V/TDD
(800) 880-7755 V/TDD
FAX: (918) 743-7157
<http://www.okdlc.org>

April 6, 2020
By Electronic Mail

Governor Kevin Stitt
Attorney General Mike Hunter
Supreme Court of the State of Oklahoma
Oklahoma Court of Criminal Appeals

Dear Governor Stitt and other distinguished State officials:

Oklahoma Disability Law Center is the federally funded protection and advocacy system for individuals with disabilities in the state of Oklahoma. Our office is mandated to protect the legal and civil rights of Oklahomans with disabilities. Our mission and legal advocacy has never been more important than in the face of the current Covid-19 pandemic, as we continue to monitor the emerging challenges faced by our citizens living with disabilities and the state's response to this public health emergency.

It has come to ODLIC's attention that civil eviction and forceable entry and detainer actions are still being filed in and heard by several courts throughout the state. In light of the current Covid-19 pandemic, the Governor's recent Emergency Declarations and the Oklahoma Supreme Court's Joint Emergency Orders, this ongoing practice is unacceptable. In the face of numerous shelter in place, safer at home and social distancing orders, the last thing people need to be worrying about right now is whether or not they will be able to remain in their homes and apartments in order to comply with these orders. Allowing eviction proceedings to continue by removing people from their homes during the state of emergency, is not only counter to standing Court orders and best medical advice, but is also cruel and completely ignores one of the most urgent and immediate needs of our state's residents: the need for adequate shelter. The public health impact that continued evictions may have during a time when Oklahomans are being asked/ordered to stay at home could be substantial.

On March 27, 2020, the Oklahoma Supreme Court and the Court of Criminal Appeals issued a "Second Emergency Joint Order Regarding The Covid-19 State of Disaster" (see attached). Within this Joint Order, the Courts prescribed that **"all deadlines and procedures whether prescribed by statute, rule or order in any civil, juvenile or criminal case, shall be suspended through May 15, 2020."** The civil procedures of residential eviction actions should be considered suspended at this time pursuant to this Order. The Courts' Joint Order further states that **"All courthouses in all 77 counties shall be closed to the public with exceptions for emergencies as permitted by local order."** Again, this language clearly mandates that civil eviction proceedings are among those proceedings that are barred from being filed or

prosecuted at this time. Although the Courts have carved out an exception for “emergencies”, it is difficult to conceive of a reason to evict someone from their home during this pandemic that would rise to the level of an emergency.

However, despite this clear guidance and the direct orders from the Courts, eviction actions have continued to displace our citizens in the face of this state of emergency. On April 2, 2020, the Oklahoma Policy Institute reported that since March 16, more than 1,000 evictions and 159 foreclosure actions have been filed in Oklahoma courts. The report goes on to indicate that, as late as last week, a Muskogee County judge ordered 14 evictions. Similarly, there were 5 evictions ordered out of Cleveland County and 2 out of Garfield County in the past week as well. (See <https://www.facebook.com/okpolicy/posts/10158206673653390>) It is unfathomable that these evictions are being allowed to occur amid statewide Emergency Declarations and in clear contradiction to the Courts’ Joint Emergency Orders.

As the entity tasked with protecting the legal and civil rights of Oklahoma citizens, ODL is particularly alarmed by reports from our own constituents that eviction actions are still being pursued in the state. It is now widely understood that in times of economic turmoil and civil emergencies, individuals with disabilities are incrementally more vulnerable to the adverse effects of such emergencies. People with disabilities are statistically more likely to be taken advantage of than other groups and are at far greater risk of being further marginalized in times of emergency. This is why it is vitally important that federal, state and local officials remain vigilant in protecting the rights of our citizens with disabilities to ensure that they do not fall through the cracks.

Accordingly, we are urging the Governor and the Supreme Court to investigate the above detailed practice of ongoing civil evictions during this public health emergency. We further implore the Governor and the Courts to provide clear guidance and direction to the courts of this state and the citizens of Oklahoma, that prosecuting evictions and ordering people out of their homes through eviction proceedings during this pandemic is not allowed and will not be tolerated by State Government or the Courts.

Sincerely,



Melissa Sublett,
Executive Director



Brian S. Wilkerson,
Director of Litigation and Legal Services