



Ohio Governor signs Executive Order on commercial evictions and foreclosures

April 2, 2020

On April 1, 2020, Ohio Governor Mike DeWine signed Executive Order 2020-08D to provide relief to small business tenants and commercial real estate borrowers suffering from the economic impact of Ohio's Stay-at-Home Order and the COVID-19 pandemic. The order makes three separate requests:

1. Landlords suspend rent payment for 90 days for small business commercial tenants in Ohio suffering financial hardship from the COVID-19 pandemic.
2. Landlords provide a moratorium of evictions of small business tenants for a term of at least 90 days.
3. Lenders (including banks, CMBS servicers and mortgage revenue bondholders) provide borrowers an opportunity for a forbearance of at least 90 days on any commercial real estate loan secured by property located in Ohio.

The order expressly provides that it shall NOT be construed to do any of the following:

- Negate the obligation of a small business commercial tenant to pay rent
- Restrict a landlord from recovering rent at a future time
- Negate the obligations of a borrower in a commercial real estate loan

- Suspend any federal or state law

Among other open issues, the order does not address whether and what consequences may be imposed for failure to comply with the requests, what enforcement mechanisms are available, or the impact of the order on tenants and borrowers in default prior to Ohio's declaration of a State of Emergency or for reasons unrelated to COVID-19.

The order shall remain in effect for 90 days from April 1, 2020, unless modified or rescinded by further order.

In a related development on March 27, 2020, the Ohio Supreme Court entered an administrative order tolling all deadlines imposed by the Ohio Rules of Civil Procedure (as well as other rules promulgated by the Court), which will further impact the remedies available to landlords and lenders. For more information on the tolling order, click [here](#).

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