



Frequently Asked Questions for Executive Order No. 124

March 31, 2020

This Frequently Asked Questions (“FAQ”) document provides guidance for the implementation of Executive Order No. 124 (“Order”). On Tuesday, March 31, 2020 Governor Roy Cooper issued an Executive Order that assists North Carolinians by prohibiting utility shut-offs and late fees, urging utility reconnection; providing guidance on eviction restrictions; and urging financial institutions, including banks and mortgage lenders, to implement relief measures for individuals and businesses who are experiencing financial hardships due to COVID-19. This provides relief to North Carolinians harmed financially by COVID-19 and helps to slow the spread of COVID-19 by preventing homelessness and ensuring that people have access to essential utilities. Below are frequently asked questions and their answers. In addition, check with your local government to determine whether additional restrictions exist in your area to limit the spread of COVID-19.

This information is subject to change in light of new CDC guidance and additional Executive Orders or local government declarations.

FAQs for Executive Order No. 124

When does this Order go into effect, and when does it expire?

This Executive Order is effective on March 31, 2020. It will remain in effect for sixty days or until adjusted by a superseding Executive Order. An Executive Order rescinding the State of Emergency in North Carolina will rescind this Executive Order.

Assisting NC Utility Customers

What protections does this EO provide to residential utility customers?

The Executive Order provides reasonable protections to residential utility customers in light of the COVID-19 emergency.

The Order addresses the following:

- Prohibits utilities from shutting off people’s electricity, natural gas, and water service for nonpayment.
- Prohibits utilities from billing or collecting any fees, penalties, or interest for late or untimely payment.
- Directs utilities to give residential customers at least six months to pay outstanding bills without owing interest fees.
- Reminds customers they are responsible for paying bills for utility services received.
- Requires utilities to inform residential customers of important provisions in the Executive Order.

Why are these utility-customer protections needed?

Because of the Stay at Home Order, many North Carolina residents are at home and need access to electricity, water, and natural gas service. These services will help ensure that residents will be able to wash hands regularly and follow other best practices for safety and hygiene. This Executive Order also will facilitate access to education, telemedicine, and teleworking, activities that benefit public health and a strong economy.

What utilities are covered by this Executive Order?

This Order covers utilities that provide electricity, natural gas, water, or wastewater services, as well as those that provide a combination of these services to residential customers.

So my utility service provider cannot shut off my electricity, natural gas, or water service?

Correct. Your utility cannot shut off your residential service while the Executive Order is effective. But you are still responsible for paying your bills.

Does this mean I don’t have to pay my electricity, natural gas, or water bills?

No. All customers are still responsible for paying their utility bills.

Can I have more time to pay off my bills?

Utilities will offer extended repayment plans that allow residential customers at least six months to pay unpaid bills without owing interest charges. This six-month period will apply to outstanding bill payments accumulated during the effective period of this Executive Order plus 120 days.

Can utility providers charge me late fees?

As of March 31, 2020, no utility may bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment.

To which types of utility customers does the Executive Order apply?

This Executive Order applies to residential customers.

How does this Executive Order impact actions by the North Carolina Utilities Commission on utilities shutoffs?

If there are differences between the Governor's Order and an order issued by the North Carolina Utilities Commission, you should follow this order. Provisions of any order by the Commission apply if they are consistent with the Governor's Order.

How will the requirements on utilities be enforced?

The North Carolina Utilities Commission will assist utilities with implementing the Executive Order and provide a weekly implementation report to the Governor. The Commission and the Attorney General are authorized to enforce the Executive Order through their existing legal authorities.

Guidance on Cable, Telecommunications, and Related Services

Does the Executive Order address providers of telephone, cellular, cable, and Internet service?

The Executive Order urges providers of telecommunications, mobile telecommunications, cable, Internet, and wireless Internet service to follow the guidelines described above for electricity, natural gas, and water utilities. In addition, telecommunications service providers are urged to lift data caps where they have not done so already.

Guidance on Eviction Proceedings

When does this Order go into effect, and when does it expire?

The guidance related to eviction proceedings should be considered effective immediately and should continue to be a consideration until April 17, or any later date that is subsequently ordered.

How does this impact the Chief Justice's action on eviction?

The guidance in Governor Cooper's Executive Order supports the Chief Justice's action on eviction. Through this Order, the Governor encourages clerks of superior court and sheriffs to follow the spirit of Chief Justice Beasley's order. The Governor, along with the Attorney General, encourages clerks of superior court to delay issuing any evictions, and encourages sheriffs to delay execution of eviction orders ("Writs of Possession of Real Property") that have already been issued.

For additional information on Chief Justice Beasley's action on eviction, visit <https://www.nccourts.gov/covid-19-coronavirus-updates>.

Does this mean the Sheriff can't remove me from my home even if eviction orders have been issued?

Through this Executive Order, the Governor and Attorney General are encouraging sheriffs to delay executing eviction orders ("Writs of Possession of Real Property"). Sheriffs, however, still have the discretion not to follow this guidance and continue processing eviction orders that have already been issued.

How does this impact mortgage foreclosures?

Through the guidance in this Executive Order, the Governor and Attorney General encourage lenders to work with property owners to provide loan payment flexibility to avoid mortgage foreclosures.

Does this mean that tenants don't have to pay rent?

The Governor's Order neither relieves a tenant from the obligation to pay rent nor restrict the landlord's ability to recover rent that is due, including any late fees or penalties.

I am a tenant and cannot pay my rent. What do I need to do?

We strongly encourage you to notify your landlord as soon as possible and discuss a plan for repayment. Renters may also call 2-1-1 to learn about potential rental assistance resources.

Will my bank still charge overdraft or other fees?

Financial institutions will still have discretion to apply fees. The Executive Order does, however, encourage financial institutions to assist customers who can demonstrate financial hardship caused by COVID-19.

Will I still have to make mortgage payments if I'm experiencing financial hardship caused by COVID-19?

This Order does not relieve customers from making any loan payments that are due. This Executive Order encourages financial institutions to consider financial hardship that customers may be experiencing due to COVID-19, but these institutions are not required to waive fees or make other accommodations.