

CDC Eviction Moratorium: What You Need to Know

You may have read reports about the Centers for Disease Control and Prevention's order creating an eviction moratorium lasting through the end of 2020. This is an extraordinary federal executive measure that applies to private landlord-tenant relationships. It is good news for renters who have fallen on hard times due to the pandemic. However, it is important to stress that the good news is qualified by several limitations.

The first limitation of the eviction moratorium is that it does not prevent the accumulation of back-rent that would need to be paid in order to prevent eviction once the moratorium expires. Individuals who have fallen behind on rent due to loss of income during the pandemic are unlikely to suddenly be able to pay months of back-rent in January of 2021. Thus, the moratorium may merely delay rather than prevent eviction in many cases.

Still, it is best to look at this as a glass half-full. The moratorium buys time for struggling renters to find a solution. Some individuals have been waiting for months to receive unemployment benefits, as the agencies responsible for processing claims have worked through an enormous volume of applications. The moratorium may be especially helpful to renters in that situation because they may be able to avoid rather than merely delay eviction by paying off any back-rent as soon the benefits are paid. In other cases, struggling renters may use the time provided by the moratorium to work with State agencies and non-profit organizations to find a solution.

The second limitation of the eviction moratorium is that it does not automatically apply. Your landlord can still evict you unless every adult listed under your lease completes, signs, and provides the landlord with an eviction moratorium Declaration. The Declaration can be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>. A PDF is also available for download from this website.

The Declaration must be signed **under penalty of perjury**. It requires renter-applicants to confirm that they meet a number of criteria. The criteria include:

- Applicant has made best efforts to secure all available government assistance for rent or housing;
- Applicant expects to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, *or received an Economic Impact Payment (stimulus check)* pursuant to Section 2201 of the CARES Act;
- Applicant is unable to pay full rent or make a full housing payment due to substantial loss of household income or extraordinary medical costs;
- Applicant is using his or her best efforts to make timely partial payments that are as close to the full payment as circumstances permit;
- Applicant would likely become homeless or move into a shelter or close quarters shared residence if evicted;
- Applicant understands that fees, penalties, or interest for not paying rent or making a housing payment on time may still be charged or collected;

- Applicant understands that his or her housing provider may require payment in full and proceed with eviction if payment is not made by the end of the moratorium.

If you would like to claim protection under the CDC's eviction moratorium, make sure that all adults listed on your lease complete, sign, and submit a Declaration form to the landlord immediately. We recommend that each person listed on the lease complete his or her own Declaration, and that you mail the Declarations to the landlord with proof of mailing. The CDC's order contains severe penalties for landlords who attempt to evict a tenant protected by the order.

In summary, the CDC's eviction moratorium is qualified good news for struggling renters. It will not solve the problem of lost income and housing insecurity caused by the COVID-19 Pandemic. However, it may buy much needed time for some renters to obtain additional assistance to avoid eviction, or at least delay it while searching for alternative housing. Remember that the moratorium is not automatic. You (and all adults listed in the lease) must complete, sign, and submit Declarations to the landlord.