



## ***CDC Agency Order: Temporary Halt in Residential Evictions to Prevent the Spread of COVID-19***

Updated September 8, 2020

### **Policy Overview:**

The Centers for Disease Control and Prevention (CDC) issued an emergency [Order under Section 362](#) of the Public Health Service Act to temporarily halt residential evictions to prevent further spread of COVID-19. This Order will remain in effect from September 4, 2020 until December 31, 2020, unless extended, modified, or rescinded.

Under this Order, a landlord, owner of a residential property, or any other person with the legal right to evict or pursue possessory action shall not evict any person covered under this order from any residential property in any jurisdiction where this Order applies. This includes halting evictions that are already in process. The Order does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provide the same or greater level of public health protection (e.g. jurisdictions with blanket eviction moratoriums) than the requirements in this Order. This Order also excludes hotels, motels, and “any guest house rented to a temporary guest or seasonal tenant as defined under the laws of the state, territorial, tribal, or local jurisdiction.”

### **To be covered under this Order, the tenant must meet the following criteria:**

- Tenant must have used their “best efforts” to obtain any and all forms of government rental assistance;
- Tenant cannot expect to earn more than \$99,000 in 2020 if single, and if married or filing jointly, cannot expect to make more than \$198,000; or received a stimulus check this year; or were not required to report income to the federal government in 2019;
- Tenant is unable to pay full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours or work to wages, lay-offs, or extraordinary out-of-pocket medical expenses;
- Tenant is using best efforts to make timely partial payments that are as close to the full payment as your circumstances may permit;
- If evicted, tenant would likely become homeless, need to move to a homeless shelter, or need to move into a new shelter where people need to live in close quarters due to not having any other housing options.

### **The Order does not cancel, lower, or otherwise require modification of rent owed**

- The order provides a temporary halt on evictions until December 31, 2020, but the housing provider may require payment in full for all payments that were not made prior to and during the temporary halt. Failure to make payment in full after the moratorium may subject the tenant to eviction under State and local laws.

- During the moratorium, the tenant must comply with other obligations that they may have under their lease agreement, or any other contract, including the accrual of fees, penalties, or interest for not paying rent or making a payment on time

#### **How a Person Can Request Relief:**

To request relief, the tenant or resident of a residential property who are covered under this Order must provide a copy of the [CDC Declaration Form](#) to their landlord, owner of the residential property, or any other person who has the authority to evict. The CDC Declaration Form must be filled out by each adult on the lease, rental agreement, or housing contract. This form should be given to the landlord in a way that allows the resident to prove that the landlord received it (i.e. email).

The tenant/resident is not required to provide additional documents with the Declaration form. If the landlord challenges any information within the Declaration after initial assessment, the tenant/resident should provide reasonable documentation to prove eligibility. If, for any reason, the landlord disagrees with the renters' self-assessment after the submission of the declaration, it is possible that the landlord can try to evict the non-paying tenant by arguing that the tenant is not covered by the Order. If the landlord decides to take legal action against the tenant/resident, a housing court judge will decide whether or not the resident is eligible for protection under the Order.

The person is still required to pay rent to the extent possible and follow any other terms of the lease and rules of the place of residence. It is still possible to be evicted for reasons other than paying rent or making a housing payment. Because this declaration is sworn testimony, any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

#### **Additional Resources:**

- [CDC Order](#): Federal Register publication
- [New York Times Article](#): *The New Eviction Moratorium: What You Need to Know*
  - This article in [Spanish](#)
- [Suffolk University Law School](#), Legal Innovation and Technology Lab
  - Determine eligibility
  - Generate a declaration to provide to a landlord