



## CDC Eviction Moratorium Order

The Centers for Disease Control and Prevention (CDC) and the Department of Health and Human Services (HHS) issued an emergency order stopping landlords from evicting covered tenants, beginning when the order is published (expected to be September 4), and running through December 31, 2020.

Landlords, owners of a residential property, property managers or other persons with a legal right to evict a tenant are prohibited from evicting any “covered person” from a residential property.

### ***Who is a “covered person”?***

A “covered person” is a tenant, lessee or resident of a residential property who provides to their landlord a written declaration under penalty of perjury that says the covered person:

1. Used best efforts to obtain all available government rental assistance.
2. Expects to earn less than \$99,000 in annual income for calendar year 2020 (\$198,000 if filing a joint income tax return) or was not required to report any income in 2019 or received a stimulus check this year.
3. Is unable to pay full rent due to substantial loss of household income, loss of compensable hours of work or wages, lay-off or extraordinary out-of-pocket medical expenses.
4. Is using best efforts to make timely partial rent payments as the person’s circumstances permit, taking into account other non-discretionary expenses.
5. Eviction would likely render the person homeless or force them to move into and live in close quarters because they have no other available housing options.

Every adult on the lease should draft and sign a separate declaration.

Landlords may choose to dispute whether a tenant is a covered person in court. Tenants are not required to submit any proof with the declaration but may if challenged by the landlord or otherwise would do so if the landlord presses the issue in court.

“Evict” and “eviction” mean any action by a landlord to remove or cause the removal of a covered person arguably including serving a notice terminating tenancy, filing an eviction and filing a previously obtained writ of restitution with the sheriff.

### ***Can a landlord evict for reasons other than non-payment of rent?***

Yes, for reasons such as criminal activity, conduct threatening the health or safety of others or an immediate risk of property damage, violates lease provisions, etc.

### ***What are the penalties for a violation of this order?***

An individual landlord could be subject to a fine up to \$100,000 if no death results from the violation (if someone gets sick after eviction) or one year in jail, or both. If a death occurs, the fine rises to no more than \$250,000. For an organization, the fines are \$200,000 or \$500,000.

### ***Must tenants still pay rent during the moratorium?***

Yes, the tenants will still owe the rent. Also, nothing in the Order prevents landlords from charging or collecting fees, penalties or interest, unless local regulations are more restrictive.

The Order essentially kicks the can down the road and sets up a January 1 eviction cliff for tenants.