

CDC Issues Temporary Eviction Moratorium through December 31, 2020

On September 1, the Centers for Disease Control and Prevention (CDC) announced an [order](#) temporarily halting residential evictions to prevent the further spread of COVID-19. The moratorium is in effect through December 31 and applies to covered tenants facing eviction for nonpayment of rent who present a signed declaration to their landlords that they meet certain income and hardship criteria.

A copy of the required declaration statement that residents must use is included in the order.

The CDC's [order](#) states that violations of the eviction moratorium may result in criminal penalties. Please note that this order does *not* relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract, meaning that outstanding payment obligations may be due to the landlord upon the expiration of the order.

Here are a few highlights from CDC's order:

- The order applies only to non-payment of rent, and will not apply to residents who engage in criminal activity, threaten the health or safety of other residents, damage the property, or violate their lease, other than for rent nonpayment.
- The order does not forgive rent or prohibit landlords or property owners from charging late fees.
- The order does not apply in any state or local area that already has moratoriums in place that provide the same or greater level of public-health protection than the requirements listed in the order.
- The order may be extended, modified, or extended before the end of the year.
- To invoke the CDC's order, persons must provide an executed copy of a Declaration form or a similar declaration under penalty of perjury, to their landlord, certifying the following qualifications:
 - The tenant has used their best efforts to obtain available government assistance for rent or housing;
 - The tenant was eligible to receive an Economic Impact Payment (stimulus check) under the CARES Act, or has an annual of no more than \$99,000 for an individual, or \$198,000 for a family;
 - The tenant is not able to pay the full rent due to substantial loss of income, wages, or hours, or because of extraordinary out-of-pocket medical expenses (unreimbursed medical expenses exceeding 7.5% of AGI for the year);
 - The tenant is using their best efforts to make partial rent payments;
 - The tenant has no other available housing options and if evicted, would need to move into a new residence shared by other people who live in close quarters, or would have to move into a homeless shelter.
 - The declaration also says that the tenant understands that they will still have to pay rent and fees, and comply with their lease. The unpaid rent may be required by the housing provider in full once the temporary eviction moratorium expires on December 31, 2020.