

On September 1, the CDC release an order (click [here](#) to read order) creating a federal moratorium on residential evictions for nonpayment of rent for “covered persons” from the effective date of the order (likely September 4, 2020) through December 31, 2020. This order is not a continuation of the CARES Act. It does not matter for purposes of this order whether a property has a federally-backed mortgage or participates in any sort of voucher or subsidy program.

This order provides that a “covered person” may not be evicted from residential property based on nonpayment of rent or other amounts due under a lease or agreement. In order to be a “covered person” under this order, a tenant must provide to the landlord, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live, a sworn Declaration that the tenant meets certain qualifications. **Each tenant listed on the lease or other agreement must provide a Declaration in order to be covered by this moratorium. If only one tenant provides a Declaration, that tenant would be a “covered person” but the other tenants could be evicted.**

To be a tenant covered by the moratorium, the following qualifications must be met:

1. The individual has used best efforts to obtain all available government assistance for rent or housing;
2. The individual either
 - 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;
3. The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses;
4. The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may permit, taking into account other nondiscretionary expenses; **and**
5. Eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting— because the individual has no other available housing options.

This order also **does not** apply to any evictions other than those for nonpayment of rent or other amounts due under the lease, such as late fees or utility payments. If a Declaration is provided to the landlord that the tenant meets the above qualifications but the landlord files an eviction for a reason other than nonpayment, the landlord would not be able to recover rent in that eviction suit through December 31, 2020.

For a copy of the Declaration form please click [here](#).