

New Federal Eviction Moratorium

September 2, 2020

What: The Centers for Disease Control and Prevention (CDC) announced the issuance of an Order under Section 361 of the Public Health Service Act to temporarily halt residential evictions to prevent the further spread of COVID-19.

When: When: TBD (likely September 4, 2020) through December 31, 2020.

Who is covered: All properties, except vacant and abandoned. Any resident who certifies they meet the below criteria may not be evicted for failure to pay. The CDC's order requires residents to declare (under penalty of perjury) that they:

- Have used best efforts to obtain all available government assistance for rent or housing;
- Expect to earn no more than \$99k (individual) or \$198k (joint) in 2020; OR was not required to report income in 2019; OR received an Economic Impact Payment from the CARES Act;
- Are unable to pay the full rent or housing payment due to substantial loss of household income, loss of hours, lay-off, or extraordinary medical expenses;
- Are using best efforts to make timely partial payments;
- Eviction would likely render them homeless or force to move into close quarters in congregate or shared living settings due to no other housing options.

What eviction is allowed?

Landlords may still evict tenants due to criminal activity, threatening health/safety, damaging property, violating codes/ordinances, or other contractual obligations.

Is the rent still due?

Yes, rental payments are still due. This order does not relieve anyone of the obligation to pay rent or make a housing payment and follow other terms of the lease. In addition, landlords may charge late fees, penalties and interest for any missed payments. However, they cannot evict any tenants until after the expiration of the notice (December 31, 2020).

How is this enforced?

- This is to be enforced jointly by Federal authorities and cooperating State and local authorities.
- The order is enforceable through substantial fines to individuals (tenants) of up to \$100,000 - \$500,000 per event and one year in jail.
- Organizations (housing providers) are subject to a fine of no more than \$200,000 per event if the violation does not result in a death or \$500,000 per event if the violation results in a death or as otherwise provided by law.

What else?

- Allows more restrictive state and local protections, but overrides anything less restrictive.

