

# Important Information for HUD-assisted Tenants on the CDC Eviction Suspension

November 2020



This flyer was developed by the Office of Public and Indian Housing (PIH) in the U.S. Department of Housing and Urban Development (HUD) to help you understand what the CDC Order means for HUD-assisted tenants who are renters in the following PIH programs: Housing Choice Voucher (HCV) program, Public Housing program, and Section 8 Moderate Rehabilitation (Mod Rehab) program. If you are a renter in a PIH program, please contact your landlord or public housing agency (PHA) for more information about this flyer or the CDC Order. You may also visit the CDC website at: <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>.

## What is the CDC eviction suspension?

- The Centers for Disease Control and Prevention (CDC) issued an Order called the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. For tenants who meet eligible conditions, this Order **temporarily stops evictions, for non-payment of rent from September 4, 2020 through December 31, 2020.**

## What steps do I have to take to be protected from an eviction for non-payment of rent?

- **Step 1:** If you are in non-payment status with your landlord or PHA and you are at risk of being evicted between September 4, 2020 through December 31, 2020, then you **must** meet all seven certifications in CDC's Declaration that is available here:
  - **English version:** <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>
  - **Translated versions:** [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/covid\\_19\\_resources/resident\\_declaration\\_for\\_m-other\\_languages](https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources/resident_declaration_for_m-other_languages)
- **Step 2:** If you meet all seven certifications in the CDC Declaration, then you must sign and date the Declaration.
- **Step 3:** Provide a signed/dated copy of the Declaration to your PHA or landlord.

## **Step 1: You must first meet all seven certifications in the CDC Declaration. They are:**

- 1. You are unable to pay your full rent due to a decrease in household income or extraordinary medical expenses;**
  - **Tip!** For public housing participants and voucher participants, your rent will **always** be adjusted to reflect a decrease in income if you report the change in income to your PHA. Please consider contacting your PHA as soon as possible to review your current income and adjust your rent to reflect the change.
- 2. You are making your best efforts to make timely partial payments that are as close to the full payment as circumstances allow.**
- 3. You have made your best efforts to get all available government assistance.**
  - **Tip!** You could consider your current participation in a rental assistance program in determining whether you made your best effort to obtain government assistance. Public housing participants and voucher participants may also consider if they requested the PHA to review their current income and adjust the rent to reflect a change in income.
- 4. You meet one of the following conditions: (1) you expect to make less than \$99,000 in 2020 (or \$198,000 if filing jointly), or (2) you were not required to report any income to the IRS, or (3) you received a CARES Act stimulus check.**
  - **Tip!** The \$1,200+ stimulus payment was NOT included in your income calculation. If you have not received a stimulus payment, please visit this webpage to check the status of your payment and fill out a simple form: <https://www.irs.gov/coronavirus/get-my-payment>
- 5. If you were to be evicted, you would likely become homeless, or move into a homeless shelter, or move into new housing shared by other people who will live in close quarters.**
- 6. You understand that you are responsible for paying unpaid rent, you may be charged fees for unpaid rent, and you must continue to comply with the terms of your lease.**
- 7. You understand that when the CDC Order expires on December 31, 2020, you may be subject to eviction if you have unpaid rent or unpaid fees.**

## **Step 2: If you meet all of the seven certifications in Step 1, sign and date the Declaration.**

- Each adult listed on the lease, rental agreement, or housing contract that meets the conditions outlined in Step 1 should sign the Declaration. In certain circumstances, such as individuals filing a joint tax return, it may be appropriate for one member of the household to provide an executed declaration on behalf of other adult residents on the lease, rental agreement, or housing contract at issue. You can use CDC's Declaration, available here: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>.

## **Step 3: Provide a signed copy of the Declaration to your landlord or PHA.**

- **Important!** If you do not sign and submit the Declaration to your landlord or PHA, then you can still be evicted for non-payment of rent between September 4, 2020 through December 31, 2020. However, the Declaration requires you to certify to truthful information under penalty of perjury. This means that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment, so **please make sure you meet ALL certifications in Step 1 before signing the Declaration.**
- If an eviction for non-payment of rent began before September 4<sup>th</sup> but has not yet been completed, you can still sign and submit the Declaration to your landlord or PHA to be protected from the eviction.
- If possible, send the Declaration via email or another method that provides a receipt so there is a record that you sent it. For example, another method could be by certified mail through US Postal Service with a return receipt requested. Also keep a copy of your signed Declaration(s) for your records, including the date and time it was sent or delivered to your landlord or PHA.
- Voucher participants may also want to provide the Declaration to your PHA as well as your landlord.

### **Please keep in mind:**

- If you are able to pay your rent or make partial rent payments, you still need to do so.
- The suspension of evictions in the CDC Order is different from the now expired suspension of evictions in the CARES Act<sup>1</sup>. The suspension of evictions in the CARES Act expired on July 24, 2020. The biggest differences between the two are that, under the CDC Order: (1) tenants are required to sign a Declaration with all seven certifications to be protected from eviction for non-payment of rent and (2) tenants can be charged for late fees, penalties and other fees due to unpaid rent.
- Other protections may be available to you if your State, local, or territorial authority has imposed a longer or more stringent suspension on evictions that provide the same or greater level of public-health protection than the requirements listed in the CDC Order.
- You are still required to follow all the other terms of your lease and rules of where you live. Tenants can still be evicted for criminal acts, other acts, or lease violations.

### **Tips on Communicating with Your Landlord or PHA:**

If you are struggling to pay rent or can no longer pay, contact your landlord right away to discuss your options. During stressful financial times, your landlord may be experiencing challenges as well. Try to communicate with them clearly and calmly. Here are some tips to help guide you through a conversation with your landlord:

- Be candid about your situation. If you are impacted by COVID-19 or other difficulties, share how your income has been affected. Public housing participants and voucher participants should contact your PHA as soon as possible to review your current income and adjust your rent payment.
- Consider mentioning any resources and assistance options you have found.
- Explain how your family would be impacted by a loss of housing.
- Ask about payment arrangements.
- Keep any email and text conversations and make notes of when you spoke by phone or in person.

<sup>1</sup> Enacted in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act, 2020 "CARES Act" (Public Law 116-136).