September 29, 2020

Dear Property Owner:

HUD is requiring all Housing Choice Vouchers administrators to provide notice of the following information that was published on September 4, 2020.

The Centers for Disease Control (CDC) issued a Notice and Order under Section 361of the Public Health Service Act (42 U.S.C. § 264) and 42 CFR § 70.2. We encourage you to read the Order, which is published in the Federal Register at 85 FR 55292 (please see below for link). To prevent the further spread of COVID-19, the Order is a temporary halt in residential evictions. This Order is separate from the now expired eviction moratorium in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The Order applies to all tenants in the USA (including assisted renters) who are subject to eviction for nonpayment of rent and who submit a Declaration (see link below) as described in the Order. A tenant cannot be required to complete the form; however, without it, tenants will not have the CDC eviction protection. The Order is effective 9/4/2020 through 12/31/2020.

Under the Order, tenants cannot be evicted for nonpayment of rent, provided the tenant signs the Declaration certifying that:

1. They have used best efforts to obtain all available government assistance for rent or housing;
2. They expect 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), were 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. They are unable to pay their full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses;
4. They are using best efforts to make timely partial payments that are as close to the full payment as their circumstances may permit, taking into account other nondiscretionary expenses;
5. If evicted they would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because they have no other available housing options.
6. They understand they must still pay rent or make a housing payment and comply with other obligations that they may have under their lease agreement. They understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by their lease agreement may still be charged or collected; and
7. They understand that at the end of the halt on evictions on December 31, 2020, their landlord may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make them subject to eviction.

The Order does not relieve the tenants’ obligation to pay rent and the tenants must continue to comply with terms under the lease. However, tenants qualifying as “Covered Persons” under the Order cannot be evicted for nonpayment of rent in violation of the lease if the CDC eviction protections are invoked. Nothing in the Order precludes landlords from charging or collecting fees, penalties, or interest as a result of the tenants’ inability to pay rent on a timely basis. Evictions unrelated to nonpayment of rent can still take place, e.g., criminal activity. Any state, local, or territorial area with a moratorium on residential evictions that provides the same or greater level of public-health protection can supersede the Order.

HUD encourages landlords to engage in direct outreach to families with past due balances and to have immediate and ongoing conversations with the families to prevent eviction even after the CDC Order expires. It also encourages landlords to enter into repayment agreements for past due rent to avoid the tenants’ eviction or avoid an unaffordable lump sum rent payment for the unpaid rent after the CDC Order expires.

Thank you for all your efforts to promote housing stability during these unprecedented times.

All the best, Section 8 Division

For more information on the order, please visit:

[https://www.federalregister.gov/documents/2020/09/04/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19external icon](https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19)

The Declaration form can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>