



# Temporary CDC Eviction Moratorium

(September 4, 2020 - January 31, 2021)

## Fact Sheet

The CDC released an emergency order to stop residential evictions from September 4, 2020 through January 31, 2021 to help stop the spread of COVID-19. The order stops landlords/property managers/owners (landlords) from evicting or taking action to cause the removal of tenants/lessees/residents (tenants) from their homes in many circumstances. The order **DOES NOT** automatically protect a tenant or all tenants. **Tenants must take steps in order to be protected under the moratorium.** If you are at risk of eviction, Legal Action may be able to help you. **Call us at (855) 947-2529.**

### How does the order protect tenants?

- If a tenant is covered by the order, their landlord cannot:
  - Take any action to remove or cause the removal of a covered tenant
  - Pursue an eviction because the tenant did not follow a previous eviction hearing agreement (stipulation)
  - Deliver or otherwise cause an already issued eviction (writ of restitution) to be carried out by the sheriff
- If a landlord files an eviction against a covered tenant, it is likely the judge will not grant the eviction and the sheriff's department will not execute it until the moratorium ends. You can show the sheriff's department a copy of your declaration.

### What does the order not do?

- The order does not forgive rent or prohibit late fees. Any rent or fees that are owed during the moratorium will continue to add up and will need to be addressed to avoid eviction later
- Tenants must still attempt to pay rent and meet other requirements under their lease agreements
- Tenants can still be evicted after the moratorium ends

### Protections DO NOT apply to:

- Homeowners that can't pay their mortgages
- People being evicted for criminal activity on the premises
- People threatening the health or safety of other residents
- People damaging property or those that pose an immediate/significant risk of damage to property
- People violating building code, health ordinances, or regulations about health and safety
- People violating other contract obligations other than nonpayment of rent, late fees, penalties or interest.

### Getting protection under the order

- To be protected by the moratorium, tenants must truthfully complete a declaration form (see below)
- The tenant must give that declaration to the landlord. The tenant should keep a copy of the form and proof they gave it to the landlord as soon as they knew they couldn't pay rent.

### Who is covered under the order?

To qualify and obtain protection you must be able to **truthfully** sign a declaration form, certifying under penalty of perjury:

1. You have tried your best to get government help for rent or housing
2. You have earned less than \$99,000 (\$198,000 joint filers) in 2020; OR You did not have to file taxes with the IRS in 2019; OR You got a CARES stimulus check
3. You can't pay because you lost income, had layoffs, or had extraordinary medical expenses
4. You are trying your best to make partial payments
5. If you are evicted, you likely have no other options other than to become homeless, use a homeless shelter or move into a place with others in close contact.
6. You understand you must still pay rent and any fees or interest under the lease agreement or contract
7. You understand at the end of the temporary order, after January 31, 2021, the landlord can require payment in full, and if you don't pay, you can be evicted
8. You understand that false or misleading statements can lead to criminal and civil actions, including fines, penalties, damages or imprisonment. (These are the consequences for perjury (lying))