

## CDC EVICTION MORATORIUM ORDER (the “Order”)

### DECLARATION FOR MANAGER TO SIGN – EVICTIONS AND WRITS

On September 1, 2020, the U.S. Centers for Disease Control announced a nationwide residential eviction moratorium for non-payment of rent cases, which we expect to be enforced starting September 4. The unpublished version can be found here: <https://s3.amazonaws.com/public-inspection.federalregister.gov/2020-19654.pdf>. This applies to all rental properties in the country—not just those with federally-backed/insured mortgages.

The Order says that a housing provider cannot evict a “covered person,” which is a resident who signs a declaration attesting that: (1) they make less than \$99,000 annually in 2020 (\$198,000 if joint filer) or they received an Economic Impact Payment under the CARES Act or they were not required to report taxable income in 2019; (2) they are using best efforts to get rental assistance; (3) they are unable to pay in full; (4) they are using best efforts to make partial payments; and (5) the eviction would render them homeless or require them to stay with others.

**IMPORTANT** – the Order does not create a means for property owners to challenge the declaration. If a tenant signs a declaration, they are protected from eviction through the end of the year. If they are lying, they may be subject to prosecution. However, you have no means to challenge the declaration and must assume the information provided in it is accurate and follow the Order.

The Order does not prohibit you from filing evictions relating to non-compliance, health and safety, or immediate evictions (for criminal activity or serious property damage). While it is believed the CDC Order does not apply to non-renewals, no definitive guidance has been provided from the CDC. Please consult with your attorney.

By signing below, you are confirming that you or any person entitled to evict have not received a declaration, attestation, or similar document from your residents wherein they claim protection under the Order. The Order does not require use of a specific form. If you have received such a document, you cannot take action to evict your resident.

This request relates to (check one): \_\_\_\_\_ notice \_\_\_\_\_ filing the eviction \_\_\_\_\_ requesting the writ

**IF YOU ARE FILING AN EVICTION, MANAGER UNDERSTANDS AND AGREES THEY ARE TO IMMEDIATELY NOTIFY THE ATTORNEY TO DISMISS THE EVICTION IF THE TENANT COMPLETES A CDC DECLARATION.**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Tenant Name: \_\_\_\_\_

Rental address: \_\_\_\_\_ Unit #: \_\_\_\_\_

**CAUTION - A person or business that acts in violation of the Order is subject to monetary penalties and jail time. Penalties can be up to \$500,000 and/or up to one year in jail. DO NOT VIOLATE THE ORDER.**

(form v.9/3/2020)