

Residential Evictions on Hold Through Year End Following the CDC's New Agency Order

Under instructions from President Trump, the Centers for Disease Control and Prevention (CDC) has released an agency order that will substantially prohibit residential landlords from evicting tenants through the remaining months of 2020 in an effort to limit the spread of COVID-19. The cited fear is that significant evictions in the fall of 2020 would lead to overcrowding in shelters and other housing to which evicted tenants might turn. The order does not relieve the tenants' rent obligations or other obligations under the lease and allows fees and interest to accrue on past due amounts. The order does not provide money for tenants or landlords to cover the lease payment obligations.

To qualify for protection against eviction, the tenants must provide a declaration to their landlord. The declaration, executed under penalty of perjury, requires each person who signs the lease to declare that they:

1. Used best efforts to obtain government assistance for rent or housing
2. Expect to earn no more than \$99,000 (or \$198,000 if filing joint tax return)
3. Are unable to pay full rent due to substantial loss of household income
4. Are using best efforts to make timely partial payments
5. If evicted, they would likely become homeless, move to a shelter, or overcrowd other housing
6. Understand that they must still pay rent and comply with other obligations
7. Understand that eviction may resume after December 31, 2020, and they may need to pay all past due sums to avoid eviction at that time

Landlords violating the order could face up to a \$100,000 fine and/or a year in jail if the violation does not lead to death. If the violation is proven to result in death, the fine can be up to \$250,000 and/or a year in jail. If a tenant is found to have falsified a declaration, he/she could face fines and/or up to five years in jail.

The just released agency order will be effective as soon as it is published in the Federal Register and will continue through the end of 2020 unless revoked or continued into 2021. Landlords should tread carefully as they deal with tenants during this time. They should instruct their agents to track those tenants that provide them with declarations. If they choose to continue evictions of those that have not provided declarations, they should be prepared for the courts to raise the issue during the eviction process. Landlords should also provide struggling tenants with as much information as possible about government and charitable programs that may help them with rent payments.

Landlords and tenants with questions as to how this agency order affects them may contact [Steve Barham](#), [Michael Stewart](#), or their relationship attorney.

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