COVID-19: New Federal Eviction Moratorium

As of Friday, September 4, 2020, a new national eviction moratorium was announced by the Center for Disease Control ("CDC"). You may qualify to avoid an eviction from your home until December 31, 2020 if you meet the following conditions and send your landlord a signed declaration (download at the bottom of this page).

(Source material: Nat'l Housing Law Project)

HOW DO I KNOW IF I AM COVERED BY THE MORATORIUM? To be eligible, renters must meet the following qualifications:

- You have used your “best efforts” to obtain government rental assistance;
- You do not expect to earn more than $99,000 in 2020 (or $198,000 if you are married and filed a joint tax return), or you did not need to report income to the federal government in 2019, or you received an Economic Impact Payment this year;
- You have been experiencing a “substantial” loss of household income because of a layoff or reduced work hours, or you have “extraordinary” out-of-pocket medical expenses (defined as an unreimbursed medical expense that exceeds 7.5% of your adjusted gross income for the year);
- You have been making your best effort to make partial rent payments as close to the full amount due as possible; and
- Being evicted would cause you to become homeless or you would have to move in with a friend or family member (live “doubled up”).

WHAT MUST I DO TO BE PROTECTED BY?

- If you meet all of the above criteria, you must send a signed declaration (under penalty of perjury) to your landlord. We have included a fillable draft to this page. You should send this by e-mail to your landlord. If you have access to a printer, you should print a copy, and mail it to your landlord by certified mail, return receipt requested. Keep copies of all documents you send to your landlord.
DO I NEED TO PROVIDE PROOF OF FINANCIAL HARDSHIP, “BEST EFFORTS” TO OBTAIN ASSISTANCE, OR OTHER CRITERIA FOR COVERAGE?

- The CDC’s order does not require you to provide any proof with the declaration. However, you may want to have documents on hand in case your landlord attempts to challenges the declaration.

DO I NEED TO PROVE MY FINANCIAL HARDSHIP IS RELATED TO COVID-19?

- No. The CDC’s order does not require that a renter’s financial hardship be COVID-related.

WHO IN MY HOUSING NEEDS TO SIGN A DECLARATION?

- Yes. The CDC’s order specifies that every adult on the lease should sign and send their own declaration. This would also include roommates.

WHAT IF MY LANDLORD IGNORES THE DECLARATION AND MOVES FORWARD WITH EVICTION?

- Contact our office immediately. Depending on eligibility, we may be able to provide legal assistance. Find out how to apply here.
- Landlords who violate the CDC’s order may be fined up to $100,000, face up to a year in jail, or both if the evicted person contracts coronavirus as a result of the eviction. If an evicted tenant dies of coronavirus, the landlord could be fined up to $250,000, face up to a year in jail, or both.

WHAT IF I AM IN THE PROCESS OF BEING EVICTED?

- Because the order blocks all phases of the eviction process, if you are going through an eviction the process should be halted until the moratorium expires on December 31, 2020.
- You should notify the court in which you are being evicted that you have sent a declaration to your landlord.

SHOULD I STILL PAY MY RENT?

- Yes! If you are able, you should still pay as much of your rent as possible in order to continue meeting the qualifications for the moratorium. The declaration also requires you to agree that you will make partial payments to your landlord to the extent your circumstances allow it. All back rent will have to be paid once the moratorium expires on December 31, 2020.

Tenant Declaration for Eviction Moratorium

Printed: October 28, 2020
©Indiana Legal Services, Inc