



CDC NATIONAL EVICTION MORATORIUM: FAQ'S FOR RENTERS

The federal Centers for Control and Prevention (CDC) issued an order halting certain residential evictions due to the Covid-19 public health crisis until December 31, 2020. The purpose was to help stop the spread of coronavirus.

WHEN DOES THE ORDER BECOME EFFECTIVE?

- The order took effect on Friday, September 4, 2020

WHAT PROPERTIES ARE COVERED?

- The CDC order is very broad. It applies to ALL residential rental properties, but you need to be a “covered person” by meeting certain qualifications outlined below. This order does NOT apply to commercial properties, temporary stays in hotels/motels or foreclosure on an owner of property.

HOW DO I KNOW IF I AM COVERED BY THE MORATORIUM?

- A person is a “covered person” under the order if they deliver a declaration to their landlord under penalty of perjury that:
 1. The individual has used best efforts to obtain all available government assistance for rent or housing;
 2. The individual either:
 - expects to earn no more than \$99,000 in annual income for calendar year 2020 (or no more than \$198,000 if filing a joint return)
 - was not required to report any income in 2019 to the U.S. Internal Revenue Service, or
 - received a stimulus check under the CARES Act;
 3. The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a layoff, or extraordinary out-of-pocket medical expenses;
 4. The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may permit, taking into account other necessary expenses; and
 5. Eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting— because the individual has no other available housing options.

WHERE CAN I GET THE DECLARATION?

- You can go to [COVID19EvictionForms.com](https://www.cdc.gov/evidencetools/eviction-forms/) to create a declaration form. You can also print and use the [CDC's Resident Declaration Form](#)

DO I NEED TO GET THE DECLARATION NOTARIZED?

- No, you just need to sign and date the document.

DOES THE CDC ORDER COVER ALL EVICTIONS?

- Evictions for non-payment of rent are covered. You can still be evicted for:
 1. Engaging in criminal activity on the property;
 2. Threatening the health or safety of other residents;
 3. Damaging or posing an immediate and significant risk of damage to property;
 4. Violating any building code, health ordinance, or similar regulation relating to health and safety; or
 5. Violating any other lease requirement other than payment of rent.

WHAT IF MY LEASE EXPIRES?

- The order does not specifically say whether you can be evicted because your lease is expired and the owner wants possession. You would probably need an attorney to argue the CDC order applies when a lease normally ends.

WHEN DO I NEED TO GIVE THE DECLARATION TO MY LANDLORD?

- You need to deliver the form to your landlord as soon as possible. Delivery of a completed declaration is what makes you a “covered person” under the order. You can do this BEFORE, DURING AN EVICTION IN COURT AND EVEN after a judge grants an eviction but before a sheriff comes to remove you from the property.

HOW DO I “DELIVER” THE DECLARATION TO MY LANDLORD?

- You should keep some form of proof that you gave the declaration to your landlord. For example, you can:
 - Text a picture of the signed declaration to your landlord, then screenshot the text message.
 - Email a picture of the signed declaration to your landlord and print the email before going to court
 - Send the signed declaration to your landlord by certified mail and keep a copy of the form from the post office and the card signed and returned by your

landlord.

- Make a copy of the declaration and have your landlord sign it to indicate receipt when you turn in the original.

DO I NEED TO PROVIDE PROOF OF THE CRITERIA IN THE DECLARATION?

- NO, the order only requires that you provide the declaration to your landlord. HOWEVER, you are signing the declaration under penalty of perjury so you should have as much evidence as possible that it applies to you. This evidence is also important because if your case goes to court, you can show it to the judge.

WHAT TYPE OF EVIDENCE SHOULD I KEEP?

- A monthly budget with expenses you cannot avoid like utility bills, medical expenses, childcare, and food that shows you cannot make the full rental payment.
- Evidence of a significant loss of household income that does NOT need to be related to COVID-19.
- Evidence of trying to make partial payments to your landlord if your budget allows.
- Evidence that you have attempted to obtain rental assistance.
- Evidence or explanation to tell a judge that you have nowhere to go if you get evicted, besides doubling up with family or friends, or going to a shelter.

DO I STILL OWE RENT OR IS RENT FORGIVEN?

- YES, your rent is still due, and your landlord can charge you late fees if you do not pay. To get protection from the order, you need to make and document your “best efforts to make timely rental payments” as close to the full amount owed taking into account bills you have to pay like food, utilities and medical costs. Your landlord may refuse the partial payment but it is important that you make an offer of partial payment.

IF OTHER PEOPLE SIGNED THE LEASE BESIDES ME, DO THEY NEED TO SIGN THE DECLARATION?

- YES, the order requires every adult on the lease to sign their own declaration.

CAN I BE EVICTED WHEN THE MORATORIUM EXPIRES?

- YES, if you still have unpaid rent on January 1, 2021 AND no other legal defenses, your landlord will be able to evict you for nonpayment of rent.

I DELIVERED THE DECLARATION BUT MY LANDLORD STILL GOES FORWARD WITH THE EVICTION OR AN EVICTION CASE IS ALREADY FILED. WHAT CAN I DO?

- You can print and use the [Notice of Declaration Form](#) and then file it with the court. You file a document by signing the original in blue ink and hand delivering it to the closest clerk's office. Make two copies, have the clerk stamp the date on one copy for you to keep and mail another copy to the address for the landlord on the complaint.
- If you live in our service area, you can also call our office at 1-800-625-2257 for further assistance.

WHAT ABOUT GOVERNOR DESANTIS' EVICTION PROTECTION? I THOUGHT THAT STOPPED EVICTIONS ALSO?

- Governor DeSantis' last executive order expired at midnight on September 30, 2020 and was not extended and NO LONGER APPLIES. The last order was very limited and only prevented "final action" in an eviction if you showed through evidence to the court that your ability to pay rent was adversely affected by COVID-19.

WHAT IF I THINK THERE ARE OTHER REASONS WHY I SHOULD NOT BE EVICTED BESIDES THE CDC ORDER? HOW DO I RESPOND?

- The Florida Eviction Answer Interview web tool is a guided interview that will create an eviction response for you. You can use this tool if you receive eviction papers and need to file an "answer" within 5 days to the court. This can be in addition to the CDC declaration. [Get Started](#)

[CDC Declaration Form](#)
[Notice to Court Form](#)