

# Centers for Disease Control and Prevention (CDC) Eviction Moratorium FAQs for HUD's Office of Public and Indian Housing

Updated: 10/19/20

The guidance in this section supplements the CDC FAQs titled: [HHS/CDC TEMPORARY HALT IN RESIDENTIAL EVICTIONS TO PREVENT THE FURTHER SPREAD OF COVID-19](#). Please see these FAQs for further information.

## **Applicability:**

**EM-CDC 1. Does the CDC eviction moratorium automatically apply to, and protect, all HUD-assisted residents?**

A: The [CDC's Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19 Notice and Order \(the Order\)](#) imposes a temporary halt in residential evictions to prevent the further spread of COVID-19 between September 4, 2020 through December 31, 2020. The Order applies to all tenants, lessees, or residents of residential property in the country who are subject to eviction for nonpayment of rent and who sign and submit the a [declaration](#), as described in the Order, under penalty of perjury.

The Order only applies in states (including the District of Columbia), localities, territories, or tribal areas that do not have a moratorium on residential evictions in place that provides the same or greater level of public-health protection than the CDC's Order. The Order does not apply in American Samoa, which has reported no cases of COVID-19, until such time as cases are reported. The Order applies to all PIH programs, including the:

- Public Housing program
- Housing Choice Voucher (HCV) program
- Moderate Rehabilitation program
- Indian Housing Block Grant (IHBG) program
- Indian Community Development Block Grant (ICDBG) program
- Tribal HUD-VASH program
- Indian Home Loan Guarantee (Section 184) program
- Native Hawaiian Housing Loan Guarantee (Section 184A) program
- Title VI Loan Guarantee program, the Native Hawaiian Housing Block Grant (NHHBG) program
- All other programs administered by the Office of Native American Programs

Under the Order, HUD-assisted residents must sign and submit a declaration to become a "[covered person](#)" and receive the Order's protection. The signed declaration must be submitted to the owner of the residential property where they live or to another person who has a right to have them evicted or removed from where they live. A resident cannot be required to complete the declaration. However, without the declaration, residents are not

protected from eviction under the Order. This means that until the declaration is signed and submitted to their Public Housing Agency (PHA), landlord, Tribe or Tribally Designated Housing Entity (TDHE), the CDC eviction protection is not in place.

This Order is separate from the now expired eviction moratorium in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and any other eviction moratoriums afforded to federally insured or guaranteed loans.

**EM-CDC 2. Do PHAs, landlords, Tribes or TDHEs have to notify residents of the CDC Order and declaration?**

A. While the Order does not mandate resident notification, HUD strongly encourages PHAs, landlords, Tribes or TDHEs to notify their residents that the CDC eviction moratorium is in place and that execution of the declaration referenced in the Order is necessary to be covered by the CDC order. In addition, HUD strongly recommends that PHAs, landlords, Tribes or TDHEs who are notifying residents of termination while the Order remains in effect document that they have informed the resident of the protections available to them under this Order.

PHAs, landlords, Tribes or TDHEs should also review their state or local laws, as some may have different notification requirements regarding the moratorium and providing the Declaration to residents.

**EM-CDC 3. Can residents who are “covered persons” be evicted for reasons other than not paying full rent?**

A: Covered persons may still be evicted for reasons other than not paying full rent or making a full housing payment. The Order does not prevent covered persons from being evicted for:

- (1) engaging in criminal activity while on the premises;
- (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 applicable building code, health ordinance, or similar regulation relating to health and safety; or
- (5) violating any other contractual obligation of a tenant’s lease, other than the timely payment of rent or similar housing-related payment (including nonpayment or late payment of any fees, penalties, or interest).

**EM-CDC 4. During the CDC eviction moratorium, do covered persons still owe rent to their PHA, landlord, Tribe or THDE?**

A: Yes. Covered person still owe rent to their PHA, landlord, Tribe or THDE. The Order halts residential evictions only temporarily. Covered persons still must fulfill their obligation to pay rent and follow all other terms of their lease and rules of the place where they live. Covered persons must use best efforts to make timely partial payments that are as close to the full payment as their individual circumstances permit, considering other nondiscretionary

expenses. When the Order expires, a covered person will owe their landlord any unpaid rent and any fees, penalties, or interest as a result of their failure to pay rent on a timely basis during the period of the Order.

The CDC eviction moratorium differs from the CARES Act eviction moratorium in this regard: fees for nonpayment of rent from March 27, 2020 – July 24, 2020 could not be charged.

HUD encourages PHAs, landlords, Tribes and THDEs to consider entering into repayment agreements for all outstanding payments with residents facing financial difficulties during the COVID-19 National Emergency.

### **Resident Declaration:**

#### **EM-CDC 5. How does a HUD-assisted resident use this protection and who has to sign the declaration?**

A. A resident must provide and complete and signed [declaration](#) to their PHA, landlord, Tribe or TDHE, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live. The declaration may be signed and transmitted either electronically or by hard copy. Each adult listed on the lease, rental agreement, or housing contract should complete the declaration. In certain circumstances, such as individuals filing a joint tax return, it may be appropriate for one member of the residence to provide an executed declaration on behalf of other adult residents party to the lease, rental agreement, or housing contract at issue. If possible, HUD recommends residents send the signed declaration using a method that provides them a time-stamped receipt, such as via email, and that residents keep a copy of the signed declaration for their records.

#### **EM-CDC 6: Has the CDC provided a declaration form that eligible individuals can complete and submit to their PHA, landlord, Tribe or TDHE?**

A: The CDC has issued a [declaration](#) form that is compliant with the Order. CDC recommends that eligible persons use this declaration form. The declaration form is available on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>.

Residents are not obligated to use the CDC form. Any written document that an eligible individual presents to their PHA, landlord, Tribe or TDHE will comply with the Order, as long as it contains the same information as the CDC declaration form.

All declarations, regardless of the form used, must be signed, and must include a statement that the covered person understands that they could be liable for perjury for any false or misleading statements or omissions in the declaration.

In addition, residents are allowed to use a declaration translated into other languages. Even though declarations with other languages may satisfy the requirement that a covered person must submit a declaration, the CDC cannot guarantee that they in fact do satisfy the requirement. However, declarations in languages other than English are compliant if they contain the information required to be in a declaration, are signed, and include a statement

that the covered person understands that they could be liable for perjury for any false or misleading statements or omissions in the declaration. HUD has made translated versions of the declaration available on [its website](#).

**EM-CDC 7. The CDC Order requires residents to sign the Declaration certifying that they have “used best efforts to obtain all available government assistance for rent or housing.” Since HUD-assisted residents are already receiving government assistance, what can HUD-assisted residents consider to certify to this requirement?**

A. HUD-assisted residents may consider the fact of their participation in a rental assistance program when determining whether they have made their best effort to obtain government assistance. Under the CDC Order, it is the resident’s responsibility to certify to truthful information, as any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

**EM-CDC 8. Is it the responsibility of the PHA, landlord, Tribe, or TDHE to verify the truthfulness of the certifications?**

A. PHAs, landlords, Tribes, or TDHEs are not required to verify the certifications in the declaration. The Order states that residents must make a certification to the truthfulness of the information provided in the declaration under the penalty of perjury.

**EM-CDC 9. If a PHA, landlord, Tribe or TDHE initiated an eviction for nonpayment of rent before the effective date of the CDC Order but has not completed the eviction, does the CDC Order apply?**

A: Yes. Any evictions for nonpayment of rent that were initiated prior to September 4, 2020, but have yet to be completed, are subject to the Order. Any resident who qualifies as a “covered person” and is still present in a rental unit is entitled to protections under the Order. Any eviction that occurred prior to September 4, 2020 is not subject to the Order.