

What does the order do?

The Department of Health and Human Services and the Centers for Disease Control and Prevention have issued an order to temporarily halt evictions through the end of the year.

Who is eligible?

You must meet a five-pronged test.

- You need to have used your “best efforts” to obtain any and all forms of government rental assistance.
- You can’t “expect” to earn more than \$99,000 in 2020, or \$198,000 if you’re married and filing a joint tax return. If you don’t qualify that way, you could still be eligible if you did not need to report any income at all to the federal government in 2019 or if you received a stimulus check this year.
- You must be experiencing a “substantial” loss of household income, a layoff or “extraordinary” out-of-pocket medical expenses, defined as any unreimbursed expense likely to exceed 7.5 percent of your adjusted gross income this year.
- You have to be making your best efforts to make “timely” partial payments that are as close to the full amount due as “circumstances may permit,” taking into account other nondiscretionary expenses.
- Eviction would “likely” lead to either homelessness or your having to move to a place that was more expensive or where you could get sick from being close to others.

I may or may not meet the eligibility criteria. If it’s a close call, who decides?

Landlords who disagree with renters’ self-assessments could try to evict nonpaying tenants by arguing that they are not a “covered person” within the order’s scope. Then it would be up to a housing court judge to decide if a renter is eligible or if the landlord can, in fact, evict.

How do I prove to my landlord that I’m eligible?

The C.D.C. order makes reference to a declaration that renters should draft and then provides an example of one near the end of the order. You can find the order and declaration [here](#).

The sample declaration form does not say anything about whether I need to prove my hardship to my landlord. Should I attach bank statements or other documents?

No. The way the order is written means you do not need to lay out specifics in your declaration. If the landlord challenges your initial assessment, however, you should be ready to provide “reasonable” specifics to prove your eligibility.

Who should make a declaration?

Every adult who is on the lease must draft and sign a separate declaration.

I have a roommate. How do the rules work for us?

The order does not deal with roommates directly, but Administration officials have clarified that the income cap is \$99,000 per roommate. As for who should pay what if just one person can't pay in full, the specifics may depend on the terms of your lease, any written agreement between you and your roommate, and applicable state or local law.

I'm in desperate need of assistance. Can I stretch the truth?

You shouldn't. The order makes a point of noting that the declaration "is sworn testimony, meaning that you can be prosecuted, go to jail or pay a fine if you lie, mislead or omit important information."

What do I do with the declarations once they are done?

Email, send or hand them to the landlord in a way that allows you to get proof that the landlord received them. That way, there will be no question as to whether you did what you were supposed to do. Make sure you keep a copy for yourself.

Then what?

Keep paying as much as you can. Otherwise, you risk failing the eligibility test, which says you should be trying to make partial payments to the best of your ability.

Can the landlord still evict me for reasons other than nonpayment?

Yes. All the usual rules about criminal behavior or disruptions or destruction of property still apply. It is possible that a landlord will look hard for some other reason to start the eviction process, so it's wise to follow every term of the lease, as well as any other building or property rule.

Will interest or penalties accrue if I don't pay the rent in full?

The order does not prevent landlords from charging fees, penalties or interest "under the terms of any applicable contract." Nor does it place any restrictions on how high they can go. Check your lease to see if there is any mention of such charges.

Will I have to pay everything I owe all at once in January?

You might – the order specifically mentions this possibility.

Does the order halt evictions that are already in process?

Yes, according to administration officials.

Does the order apply to every landlord and every residential renter in the country?

No. Aside from the income caps, your local rules may apply instead. If you're in a state, territory or tribal area that already has a moratorium in place that provides the same or better level of protection, then that more local action will take its place. Local jurisdictions are also still free to impose stronger restrictions than the federal order.

I'm living in a motel right now. Does the order apply to those properties?

No. The order specifically excludes hotels and motels.

What about Airbnb rentals and other similar properties?

The order excludes any "guesthouse rented to a temporary guest or seasonal tenant as defined under the laws of the state, territorial, tribal or local jurisdiction."

What if my landlord sends me an eviction notice anyway?

Seek counsel. You can search for a low- or no-cost legal assistance office near you via the Legal Services Corporation's online [map](#).

What other options are there to help me?

The State of Michigan has an Eviction Diversion Program (EDP) designed to keep Michigan residents who fall behind on their rent during COVID-19 in their homes. You can find more information about it [here](#).

Does the order specify the size of the penalties that landlords may be subject to?

Yes. An individual landlord could be subject to a fine up to \$100,000 if no death (say from someone getting sick after eviction) results from the violation, or one year in jail, or both. If a death occurs, the fine rises to no more than \$250,000. If it's an organization in violation, the fines are \$200,000 or \$500,000.

When does the order take effect, and how long does it last?

It takes effect on September 4, 2020 and applies through December 31, 2020.