

Eviction Protection

On September 2, 2020, the Centers for Disease Control and Prevention (“CDC”), which is under the Department of Health and Human Services (“DHHS”), issued a temporary Order (“Order”) halting certain residential evictions to mitigate the risk of transmission of COVID-19. The Order will take effect on September 4, 2020 and is intended to provide security for those who would face eviction after the expiration of the CARES ACT in July of this year. Here is what you might want to know about the Order and its impact.

Landlord Restraint

Under the Order, any landlord who is the owner of residential property or anyone with legal right to pursue possessory action or eviction is prohibited from doing so from now through December 31, 2020. Now the Order is applicable to “covered persons.”

Am I Covered?

As defined by the Order, a covered person is any tenant, lessee, or resident of a residential property who provides to their landlord . . . a declaration under penalty of perjury. The declaration requires the tenant to attest to certain facts relating to his or her hardship or inability to pay rent prior to gaining eviction protection as provided in the Order.

Coverage Exceptions

Despite the Order, a landlord can evict you for any of the following: other lease violations besides rent payment, late fees interest or penalties, damaging or posing a risk to damaging the property, criminal activity while on the premises, threatening the health or safety of other residents, health ordinance, or similar regulation relating to health and safety and applicable building code violations.

Finally, an eviction stay does not mean you are not financially obligated for the rent. Therefore, reckless financial behavior is not encouraged at this time. No free lunches! For additional information and details check out CDC.Gov website. This Order is Under Section 361 of the Public Health Service Act (42 U.S.C. 264) and 42 CFR 70.2