



CDC ORDER FAQ

On September 4, 2020 the Centers for Disease Control (CDC) issued a nationwide temporary moratorium on evictions based only on the nonpayment of rent. The order was intended to help prevent the spread of COVID-19. The moratorium started on September 4, 2020 and lasts until December 31, 2020. However, protection under the Order for renters is not automatic.

IS EVERYONE COVERED BY THE MORATORIUM?

No, the moratorium only applies if a landlord is evicting a tenant for nonpayment of rent. Plus, the tenant needs to provide a “Declaration” to their landlord that states they meet the requirements of the order, which are:

1. You have used “best efforts” to obtain governmental rental assistance
2. You meet one of the following:
 - You do not expect to earn more than \$99,000 in 2020 (\$198,000 if you are married and file a joint tax return)
 - You did not need to report income to the federal government in 2019, or
 - You received an Economic Impact Payment this year (a stimulus check that came from the CARES Act this year)
3. You have experienced a substantial loss of household income due to a layoff or reduced work hours OR you have extraordinary out-of-pocket medical expenses (needs to be more than 7.5% of your gross income for the year)
4. You have been making your best efforts to make partial rent payments as close to the full amount of your rent as possible
5. If you were evicted, you would likely be homeless or would have to move in with a family member or friend, meaning there would be more people living close together

HOW DO I GET PROTECTED BY THE MORATORIUM?

You need to provide your landlord a signed copy of the Declaration that is attached to this packet. The Declaration is a sworn statement, meaning that if you sign it even though the statements do not apply to you, it would be like lying while testifying in court.

It is always a good idea to keep a record of how you gave the declaration to your landlord. You could send it through certified mail and get a receipt or send the declaration through email. Always keep a copy of the Declaration for yourself.

DO I NEED TO PROVE THE STATEMENTS IN THE DECLARATION?

The CDC Order does not require any proof that the statements you made are true. However, the Jackson

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County and Clay County Circuit Courts have established hearings that landlords can use to dispute the statements made by the tenant in the Declaration.

DOES THE REASON I CANNOT PAY RENT NEED TO BE RELATED TO COVID-19?

No, the order does not require the loss of income or increased expenses to be related to COVID-19.

WHO NEEDS TO FILL OUT THE DECLARATION?

Any adult on the lease needs to fill out the Declaration and provide a copy to the landlord.

WHAT SHOULD I DO IF MY LANDLORD HAS ALREADY STARTED TO EVICT ME?

The order protects qualifying tenants from all stages of eviction. That means you can give your landlord the declaration even if the eviction has already started.

If an eviction has been filed, you may want to seek help from a lawyer. You can apply for help at Legal Aid of Western Missouri by calling (816) 474-6750.

DOES THE MORATORIUM PREVENT ALL TYPES OF EVICTIONS?

No, the order only stops evictions that are based only on the nonpayment of rent. The order gives examples of other types of evictions that are still allowed:

1. Tenant engages in criminal activity while on the premises
2. Tenant threatens the health or safety of other residents
3. Tenant damages or poses an immediate and significant risk of damage to property
4. Tenant violates a building code, health ordinance or other similar health and safety regulation
5. Tenant violates any other contractual obligation other than the timely payment of rent or similar housing-related payment (that includes late fees, penalties, interest)

DO I STILL HAVE TO PAY RENT?

Yes, if you are able to pay all or part of your rent, you should continue to do so. You still owe rent for each month during the moratorium, even if you cannot be evicted. Any money that you do not pay during the moratorium will be due when the moratorium expires on December 31, 2020.

WHAT DO I DO IF I RECEIVE A VERIFICATION FORM FROM MY LANDLORD?

Courts in Jackson and Clay County (and potentially others) are requiring landlords to file Verifications stating that they have not received a Declaration from the tenant before any eviction is carried out. That means if your landlord is in the process of evicting you, they will need to file one with the court and you will receive it when it is filed.

If you have provided a Declaration and believe the Verification is not true, you have 7 days to challenge the Verification in court by filing a motion or notice with the court. If you have questions on how to do that, please contact a lawyer as soon as possible. You can apply for help at Legal Aid of Western Missouri by calling (816) 474-6750.

**DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR
DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO
PREVENT FURTHER SPREAD OF COVID-19**

I certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that the following statements are true and correct:

I have used best efforts to obtain all available government assistance for rent or housing;

I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;

I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses;

I am using best efforts to make timely partial payments that are as close to the full payment as my circumstances may permit, taking into account other nondiscretionary expenses;

If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.

I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making

a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Printed Name

Date

Signature