

CDC TEMPORARILY HALTS EVICTIONS FOR ELIGIBLE TENANTS

The Centers for Disease Control and Prevention (CDC) has extended an Order temporarily pausing evictions for **certain tenants** until after March 31, 2021.

The Order might help tenants who are struggling to pay their rent — but only **eligible tenants** who provide a specific declaration to their landlord.

For eligible tenants who provide a declaration to their landlord, the Order temporarily pauses evictions for nonpayment of rent. **The Order does not cancel or forgive rent.** It also does not prohibit landlords from assessing late fees or other charges that are authorized in the lease. Tenants are still legally responsible for paying rent. The CDC Order only protects eligible tenants from eviction through March 31, 2021.

The Order does not overturn state or local protections that provide the same or greater protections for tenants. If you live in a jurisdiction with additional protections, you may not need to provide the Declaration immediately because other protections may not require you to sign a declaration under penalty of perjury.

Only certain types of evictions are paused.

Types of Evictions Covered

The Order temporarily pauses evictions for nonpayment of rent for tenants who provide a declaration to their landlord. It does NOT pause:

- evictions for criminal activity;
- evictions related to tenant behavior that threatens property or other residents;
- evictions related to local health and safety regulations; or
- evictions for other types of lease violations (except violations for nonpayment of rent, fees, penalties, interest, etc.)

It is not clear what other types of evictions the Order may cover.

The Order may prohibit “holdover evictions” – evictions filed after a lease is not renewed, and the tenant does not leave. If your landlord gives you a notice that they are not renewing your lease and you believe they are non-renewing because you owe rent, we recommend that you provide the Declaration discussed below to your landlord if you meet all of the requirements.

Tenant Eligibility

TO BE PROTECTED BY THIS ORDER, ALL OF THE FOLLOWING MUST BE TRUE:

- **YOU ARE A RESIDENTIAL TENANT.**
- **YOU CANNOT PAY YOUR FULL RENT BECAUSE:**
 - you experienced a substantial loss of household income; or
 - your work hours were reduced, or you were laid off from your job; or
 - you had unreimbursed medical expenses that will likely exceed 7.5% of your adjusted gross income for 2020.
- **YOUR INCOME MEETS ONE OF THESE REQUIREMENTS:**
 - you expect your individual income to be \$99,000 or less for 2020; or
 - you expect you and your spouse’s joint income to be \$198,000 or less and you plan to file a joint tax return; or
 - you were not required to report any income to the IRS in 2019; or
 - you received a stimulus check.

- **EVICITION WOULD RESULT IN YOU:**

- becoming homeless; or
- moving into a shelter; or
- moving into housing with other people that is shared with others and crowded.

- **YOU HAVE DONE YOUR BEST TO GET GOVERNMENT ASSISTANCE FOR RENT.**

- You must use “best efforts” to get rental assistance for which any of your household members may qualify.
- One way to find out about rental assistance programs in your area is to call 211 or visit [211.org](https://www.211.org).

- **YOU ARE DOING YOUR BEST TO PAY AS MUCH RENT AS YOU CAN AND TO PAY ON TIME.**

- You need to use “best efforts” to try to pay what you can, even if it is not the full amount, considering other essential expenses you have, like food and transportation.

This Order applies to tenants in almost any type of rental housing. It does not matter whether a property receives a federal subsidy or has a federally backed mortgage. However, this Order does NOT apply to people living in hotels or motels, or in guest houses rented to temporary guests or “seasonal tenants.”

Landlord Actions

- A landlord cannot “remove or cause the removal of” qualifying tenants. The exact meaning of this is unclear. It may mean that landlords cannot:
 - issue a notice to vacate;
 - file an eviction lawsuit;
 - get a “writ of possession,” which is a court order to remove a tenant; or
 - use a “writ of possession” to remove a tenant.
- If a landlord violates the Order, they can face criminal penalties, including fines and jail time.

Tenants Must Take Action To Be Protected

Tenants must do certain things to be protected by the Order. Eligible tenants must provide a Tenant Declaration to their landlord.

- Print and sign the Tenant Declaration, or if you can, sign it electronically.
 - [Tenant Declaration](#)
 - [Instructions for Tenant Declaration](#)
- Every adult listed on your lease should sign a separate Tenant Declaration.

IMPORTANT: YOU MUST SIGN THE TENANT DECLARATION UNDER THE “PENALTY OF PERJURY.” IF YOU SIGN THE DECLARATION WHEN YOU KNOW PART OF IT IS NOT TRUE, YOU CAN BE SUBJECT TO SEVERE CRIMINAL PENALTIES, INCLUDING FINES AND JAIL TIME. FOR NON-CITIZENS, THESE CRIMINAL PENALTIES MAY HAVE SERIOUS IMMIGRATION CONSEQUENCES.

Give all of your Tenant Declarations to your landlord or the owner of the property where you live. If you do not know who owns the property, give it to the property manager. If you cannot get signed declarations from all adults on the lease, get as many declarations as possible and provide them to your landlord and the court.

- **Make sure to keep a copy of your Declaration to prove that you signed it and gave it to your landlord. If you don't have access to a photocopier, take a photo of the Declaration.**

If your landlord has already filed an eviction case against you in court and you have given your Tenant Declaration to your landlord, the court is required to pause the case until after March 31, 2021 once you file the Tenant Declaration with the court. You can use the Notice to Court form below to submit your Tenant Declaration to the court, but remember to attach a copy of the Tenant Declaration. Keep a copy of everything you file with the court.

You can provide your landlord a Declaration and file it with the court even after the judge has ruled against you, but before the Constable has carried out a writ of possession, which enables the Constable to remove people and belongings from your unit.

- NOTICE TO COURT: WWW.TRLA.ORG/S/NOTICE-TO-COURT-ENGLISH_091820.PDF
- instructions for notice to court: www.trla.org/s/instructions-for-notice-to-court-english_091820.pdf

After you give your Tenant Declaration to the landlord and file it with the court, the court can only proceed with the eviction if 1) the landlord contests (tells the court that they disagree with) your Tenant Declaration, 2) the court sets a hearing, and 3) the judge issues a written order stating the reasons the case can proceed and how it will proceed. This process is set out in a [Texas Supreme Court Emergency Order](#) regarding the CDC order and evictions.

If a hearing is set, you should show up prepared to explain and show evidence (if you have it) of why all the requirements of the Tenant Declaration are true.

Remember that this law does not cancel or forgive rent, so you should do your best to use the pause in the court proceedings to gather the funds needed to pay the rent you owe.