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CDC MORATORIUM EXTENSION
TO COMMUNITIES WITH HEIGHTENED LEVELS
QUICK FACTS

EFFECTIVE DATE:

The Order is effective on AUGUST 3, 2021, and will remain in effect through OCTOBER 3, 2021, subject to revision based on the changing public health landscape.

ORDER:

The U.S. Centers for Disease and Control (CDC) has issued a new order temporarily halting evictions in counties with heightened levels of community transmission in order to respond to recent, unexpected developments in the trajectory of the COVID-19 pandemic, including the rise of the Delta variant. It is intended to target specific areas of the country where cases are rapidly increasing, which likely would be exacerbated by mass evictions.

A landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action, shall not evict any covered person from any residential property in any county or U.S. territory while the county or territory is experiencing substantial or high levels of community transmission of SARS-CoV-2.

<https://www.cdc.gov/coronavirus/2019-ncov/communication/Signed-CDC-Eviction-Order.pdf>

WHO IS PROTECTED:

To qualify for the protections of the Order, a tenant, lessee, or resident of a residential property must provide a completed and signed copy of a declaration with the elements listed in the definition of “Covered person” to their landlord, 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.

As long as the information in a previously signed declaration submitted under a previous order remains truthful and accurate, covered persons do not need to submit a new declaration under the Order.

“*Covered person*” means any tenant, lessee, or resident of a residential property who provides to their landlord, the owner of the residential property, or other person with a legal right to pursue eviction or a possessory action,³ a declaration⁴ under penalty of perjury indicating that:

- (1) The individual has used best efforts to obtain all available governmental assistance for rent or housing;
- (2) The individual either (i) earned no more than \$99,000 (or \$198,000 if filing jointly) in Calendar Year 2020 or expects to earn no more than \$99,000 in annual income for Calendar Year 2021 (or no more than \$198,000 if filing a joint tax return), (ii) was not required to report any income in 2020 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check);
- (3) The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary⁸ out-of-pocket medical expenses;
- (4) The individual is using best efforts to make timely partial rent payments that are as close to the full rent payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- (5) Eviction would likely render the individual homeless—or force the individual to move into and reside in close quarters in a new congregate or shared living setting—because the individual has no other available housing options; and
- (6) The individual resides in a U.S. county experiencing substantial or high rates of community transmission levels of SARS-CoV-2 as defined by CDC.

APPLICABILITY

The Order applies in U.S. counties experiencing substantial¹ and high² levels of community transmission levels of SARS-CoV-2 as defined by CDC, as of August 3, 2021. If a U.S. county that is not covered by the Order as of August 3, 2021 later experiences substantial or high levels of community transmission while the Order is in effect, then that county will become subject to the Order as of the date the county begins experiencing substantial or high levels of community transmission.

You can determine your parish's transmission level rate by viewing the CDC's COVID-19 Integrated County View map at: <https://covid.cdc.gov/covid-data-tracker/#county-view>. If a U.S. county that is covered by the Order no longer experiences substantial or high levels of

¹ According to the Order "Counties experiencing substantial transmission levels are experiencing (1) 50.99-99.99 new cases in the county in the past 7 days divided by the population in the county multiplied by 100,000; and (2) 8.00-9.99% positive nucleic acid amplification tests in the past 7 days (number of positive tests in the county during the past 7 days divided by the total number of tests performed in the county during the past 7 days).

² According to the Order high transmission levels are defined at "(1) ≥ 100 new cases in the county in the past 7 days divided by the population in the county multiplied by 100,000; and (2) $\geq 10.00\%$ positive nucleic acid amplification tests in the past 7 days (number of positive tests in the county during the past 7 days divided by the total number of tests performed in the county during the past 7 days."

community transmission for 14 consecutive days, then the Order will no longer apply in that county, unless and until the county again experiences substantial or high levels of community transmission while the Order is in effect.

EFFECT OF ORDER:

The Order is a temporary eviction moratorium to prevent the further spread of COVID-19.

The Order does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract. Nothing in the Order precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract.

EXCEPTIONS TO PROTECTION

Nothing in the Order precludes evictions based on a tenant, lessee, or resident:

- (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, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

APPLICATION TO EXISTING UNFINISHED EVICTIONS:

Any evictions for nonpayment of rent initiated prior to issuance of the Order but not yet completed, are subject to the Order.

Any eviction that was completed before issuance of the Order is not subject to the Order, as it does not operate retroactively.

DECLARATION FORM:

Same form as previously used

Any tenant, lessee, or resident of a residential property who previously submitted a Declaration, still qualifies as a “Covered Person” and is still present in a rental unit is entitled to protections under the Order.