



## **Federal Eviction Ban**

In order to prevent the spread of COVID-19, the Centers for Disease Control and Prevention (CDC) recently issued an [order](#) making it illegal to evict tenants due to nonpayment of rent between September 4, 2020, and December 31, 2020. The order builds on the federal eviction moratorium included in the CARES Act that expired at the end of July. However, it does not include any funding for rental assistance or for landlords to pay expenses such as mortgage payments and property taxes.

Notably, the order does not apply in any State, local, territorial, or tribal area with an eviction moratorium that provides the same or greater level of public-health protections than what is included in the order. It also does not preclude State, local, territorial, or tribal authorities from imposing additional requirements that impose more stringent public-health measures than the requirements included in the order.

## **Eligibility**

In order to qualify for the order's protections, tenants must sign and submit to their landlord a form stating they have sought to obtain all available government rental or housing assistance, expect to earn no more than \$99,000 (or \$198,000 if filing jointly) in calendar year 2020, and are unable to pay rent due to loss of income or out-of-pocket medical expenses. Additionally, tenants must certify they are using 'best efforts' to pay as much rent as they can afford and that they would likely become homeless if evicted. Under the order, landlords could face criminal penalties for evicting eligible individuals for nonpayment of rent.

The order does not apply to individuals living in hotels, motels, or similar temporary housing situations. It also does not prevent landlords from evicting tenants for reasons other than nonpayment of rent.

Additionally, the order does not cancel rent, and tenants must acknowledge that landlords can require payment of rent in full on December 31, 2020, and that they may be charged fees or interest for not paying rent on time.

## **Possible Further Action**

The National Low Income Housing Coalition (NLIHC) praised the measure but has emphasized that more work needs to be done. Diane Yentel, NLIHC president and CEO, said of the order, "Ultimately, it creates new urgent pressure on Congress to get back to work and pass a final COVID-19 relief bill...on its own, it's a half measure."

While Democrats have proposed \$100 billion in rental assistance, negotiations over another COVID-19 relief package have largely stalled. It remains unclear whether the stalemate will break anytime soon.