

Extension of Federal Eviction Protection

On September 1, 2020, the Centers for Disease Control and Prevention (CDC) issued an Agency Order entitled Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. The Order went into effect on September 4, 2020 and was extended on December 27, 2020. The Order prohibits residential landlords nationwide from evicting certain covered tenants through January 31, 2021. The Order defines these covered persons as tenants who:

- have used their best efforts to obtain government assistance for rent or housing
- are unable to pay their full rent due to a substantial loss of income or extraordinary out-of-pocket medical expenses
- are making their best efforts to make timely partial payments of rent that are as close to the full payment as possible, and
- would become homeless or would have to move into a shared living setting if they were to be evicted.

In addition to the above requirements, one of the following financial criteria must apply. To qualify for protection, tenants must:

- expect to earn no more than \$99,000 (individuals) or \$198,000 (filing joint tax return) in 2020
- not have been required to report any income to the IRS in 2019, or
- have received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act.

Covered persons must complete a declaration under penalty of perjury stating that they meet the criteria listed in the Order and submit the completed form to their landlord. Anyone who falsely claims to be a covered person under the Order or who violates the Order may be subject to criminal penalties.

The CDC Order also states that tenants who meet this criterion may still be evicted for reasons other than nonpayment of rent, such as violating contractual obligations in their lease. The Order does not prohibit landlords from charging fees or penalties for unpaid rent, nor does it forgive unpaid rent amounts. The Order also requires that tenants continue to make timely rent payments to their landlord that are as close to the full payment as possible.

The FHA has also extended its ban on evictions from properties secured by FHA-insured single-family mortgages through February 28, 2021. Additionally, the government-backed mortgage buyers Freddie Mac and Fannie Mae have prohibited landlords of single-family properties with Freddie Mac and Fannie Mae-backed mortgages from evicting tenants until at least January 31, 2021. Also, certain owners of multifamily properties backed by Freddie Mac and Fannie Mae can extend their loan forbearance, and, if they do so, cannot evict tenants during their forbearance.