



Central Wisconsin Apartment Association

CDC Eviction Moratorium Order

Summary

On September 1, 2020, the Centers for Disease Control and Prevention (CDC) issued an eviction moratorium for nonpayment of rent for certain renters until the end of the year. The order is written to be effective when it is formally entered into the Federal Register on Friday, September 4.

Applicability

The order applies to renters who swear under penalty of perjury that the following are true:

- The individual has used best efforts to obtain all available government assistance for rent or housing;
- The individual either (i) expects 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), (ii) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- 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 extraordinary out-of-pocket medical expenses;
- The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and
- Eviction would likely render the individual homeless— or force the individual to move into and live in close quarters in a new congregate or shared living setting— because the individual has no other available housing options.

Other Provisions

- The written affirmation by the tenant must be signed under penalty of perjury by all adults on the lease and given to the landlord.
- The order does not affect the ability of a landlord to evict for reasons other than non-payment of rent or the ability to charge late fees for unpaid rent.
- The order does not relieve the renter of the obligation to pay rent or adhere to the lease.

Interaction with State and Local Governments

- This order does not affect state and local eviction moratoriums that are already in place and that meet or exceed the same level of protection as that in the CDC order.
- The order makes clear that states and localities can enact protections above and beyond those in the order.

Criminal Penalties

- Violations by a person of the order are punishable by a fine of up to \$100,000 and up to 1 year in jail, or both, if the violation does not result in a death. If it does result in a death, a violation by a person is punishable by a fine of up to \$250,000, or 1 year in jail, or both.
- Violations by an organization are punishable by a fine of up to \$200,000 and up to 1 year in jail, or both, if the violation does not result in a death. If it does result in a death, a violation by an organization is punishable by a fine of up to \$500,000.
- Perjury is a federal crime that is punishable by a fine or by up to 5 years in jail, or both.

The above text is a summary from NARPM.

<https://www.narpm.org/docs/legislative/CDC%20Eviction%20Moratorium%20Summary%2009022020.pdf>