

KNOW YOUR RIGHTS

Are you worried that you will be evicted for not paying your rent?

On 9/4/2020 the CDC issued an order making it *illegal* for certain tenants to be evicted. This means there is a moratorium on many residential evictions based non-payment of rent.

Does the eviction ban apply to me?

The first thing you need to do, is determine if you qualify as a "covered" person.

FIVE QUESTIONS TO ASK TO DETERMINE IF YOU QUALIFY AS A "COVERED" PERSON

1

Have I attempted to get government assistance for rent or housing? *If not, call 211 to get help in doing this and contact KCDC to apply for subsidized housing.*

2

Do I earn less than \$99,000 per year? OR If I file my taxes jointly, do we make less than \$198,000 yearly? OR Did I receive a stimulus check this year?

3

Am I unable to pay my full rent or housing payment due to substantial loss of income, loss of work hours, a lay-off, or extraordinary out-of-pocket medical expenses?

4

Am I making my best efforts to make on time payments to my landlord, as close to the full payment as possible?

5

If I am evicted, would I probably become homeless, or be forced to move into and live in close quarters with other individuals?

IF THE ANSWERS TO ALL FIVE QUESTIONS ABOVE ARE "YES" THEN YOU MAY BE A "COVERED" PERSON.

WHY DOES IT MATTER IF I AM A "COVERED" PERSON?

ONLY "covered" persons are protected from eviction under the order.

If you answered yes to the 5 questions above, the next step is to go to <https://www.covid19evictionforms.com/> to generate a declaration.

This website will generate the document you need and allow you to email, text, or mail it to your landlord or lessor.

Once you have done this, **you cannot be evicted until after 12/31/20.**

This flyer is not legal advice. If your landlord tries to evict you, contact a lawyer.

YOU SHOULD KEEP RECORDS OF EACH STEP OF THIS PROCESS. KEEP ALL DOCUMENTS THAT ALLOWED YOU TO ANSWER YES TO THE FIVE QUESTIONS (RECORDS OF SEEKING RENTAL ASSISTANCE, W-2S, PAYSTUBS, TERMINATION LETTERS FROM EMPLOYER, COPIES OF CHECKS/MONEY ORDERS FOR RENT PAYMENTS YOU HAVE MADE). KEEP A COPY OF THE DECLARATION THAT YOU GIVE TO YOUR LESSOR.

****KEEP PROOF OF DELIVERING THE DECLARATION TO YOUR LESSOR BY SAVING THE EMAIL, TEXT, OR VIDEO OF YOU DELIVERING IT.**

**[FORM] DECLARATION UNDER PENALTY OF PERJURY FOR
THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY
HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect 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), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am 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;

¹ "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.
- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to state and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

³ “Available housing” means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate federal, state, or local occupancy standards and that would not result in an overall increase of housing cost to you.