

RESIDENTIAL EVICTION MORATORIUM DURING THE COVID-19 PANDEMIC

I. CARES Act:

Ref.: Public Law No. 116-136, Title IV, Subtitle A, Sec. 4024(c).

The requirement that a landlord must file a CARES Act affidavit has expired for new cases filed after August 25, 2020.

However, the notice requirement does not expire. Landlords owning covered property as defined in the CARES Act must provide their tenants with at least 30 days notice to vacate before filing dispossessory petitions (or more, if State law requires a longer notice period).

II. Centers for Disease Control and Prevention

"Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," Agency Order No. 2020-19654

Ref: www.federalregister.gov/2020-19654

Effective on from September 4, 2020 through December 31, 2020, **"a landlord . . . shall not evict any covered person from any residential property . . . during the effective period of the Order."**

Generally, a *covered person* is one who provides the landlord with a Declaration in the form specified in the Order.

Relevant Excerpts from the Order:

Moratorium

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

"Nothing in this 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 [note: This exception does not apply to COVID-19 patients]; (3) damaging or opposing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to Health & Safety Code; 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)."

Criminal Penalties

"Under 18 U.S.C. 3559, 3571; 42 U.S.C. 271; and 42 CFR 70.18, a person violating this Order may be subject to a fine of no more than **\$100,000** if the violation does not result in a death **or one year in jail**, or both, or a fine of no more than **\$250,000** if the violation results in a death **or one year in jail**, or both, or as otherwise provided by law. An organization violating this order may be subject to a fine of no more than **\$200,000 per event** if the violation does not result in a death or **\$500,000 per event** if the violation results in a death or as otherwise provided by law. The U.S. Department of Justice may initiate court proceedings as appropriate seeking imposition of these criminal penalties." (Emphasis added.)

THE COURT WILL NOT GIVE LEGAL ADVICE

These are complex and changing issues of law that are evolving rapidly at every level of federal and State government. The Court provides this summary information for your reference and convenience. If you have any questions or concerns about your rights, or need help understanding how these laws apply to your situation, consult with an attorney at law.