



## CDC Eviction Moratorium Q&A

Due to the coronavirus pandemic, the CDC has declared a national moratorium on many residential evictions. The CDC eviction moratorium will protect certain tenants from eviction for the remainder of 2020. Below is a summary of key takeaways for tenants.

### **Q: Does the moratorium apply to tenants in New York State?**

**A:** Yes. Because the moratorium provides more protection for tenants than New York's current laws, the CDC moratorium will apply in NYS.

### **Q: Who does the moratorium protect?**

**A:** The moratorium protects tenants and other permanent residents of residential rental housing who meet certain criteria and submit a declaration form with these criteria to their landlord. The moratorium protects tenants in all stages of the eviction process.

### **Q: What goes in the declaration?**

**A:** The declaration must state that the tenant:

1. Has used best efforts to obtain all available government assistance for rent or housing;
2. Either expects to earn no more than \$99,000 in annual income for the 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 IRS, or receives a stimulus check under the CARES Act;
3. Is unable to pay full rent due to substantial loss of household income or extraordinary out-of-pocket medical expenses;
4. Is using best efforts to make timely partial payments of rent that are as close to full payment as one's circumstances permit;
5. Would likely become homeless, need to move into a homeless shelter, or move into a new residence shared by others in close quarters because no other available housing options are available, if evicted;

6. Understands that at the end of the moratorium (December 31, 2020) they may be required to make full payments not made prior to and during the moratorium.

If you have any questions you can call 311 to access the COVID Housing Helpline and speak with a legal services provider for more information, and to request legal representation. Alternatively, you can call (212) 298-3333 on Tuesdays to speak with someone from the Legal Aid Society.

**Q: Who should complete a declaration?**

**A: If possible, tenants should speak to a lawyer before completing a declaration.** If you are eligible for protection under the CDC's eviction moratorium, every adult listed on the lease, rental agreement, or housing contract should complete a declaration.

**Q: To whom do I submit the declaration?**

**A:** Completed declarations should be delivered directly to the landlord via in hand, mail or electronic delivery. Please do your best to use a trackable form of delivery to submit this document (for example, certified mail with return receipt or e-mail).

**Q: Are there any exceptions to the eviction moratorium?**

**A:** Yes. The CDC moratorium only protects tenants who have been unable to pay rent. The moratorium does not prohibit a landlord from bringing an eviction case based on certain allegations unrelated to nonpayment of rent, specifically, holdover proceedings where the landlord accuses a tenant of engaging in criminal activity at the premises, threatening the health or safety of other tenants, or breaking other the rules of the lease.