



## Summary of CDC Nationwide Ban on Residential Rental Evictions

An [Emergency Order by the Centers for Disease Control and Prevention \(CDC\)](#) implementing a nationwide ban on evictions from residential rental properties will become effective September 4, 2020. The Order will be immediately effective upon publication in *The Federal Register*, covers all States, Territories, and Possessions of the U.S. (excepting American Samoa), and expires December 31, 2020.<sup>1</sup>

Under the Order, no owner of a leased residential property may evict a tenant or resident based on nonpayment of rent and other costs if nonpayment is attributable to the COVID-19 pandemic. To be protected from eviction, a tenant must declare, under penalty of perjury:

1. economic losses directly related to the COVID-19 pandemic prevent payment of rent and other charges, and
2. eviction will likely lead to homelessness or housing in a group setting (i.e., housing with friends or family).

The eviction ban does not mandate landlord or property owner forgiveness of past due rent and related charges. Such charges, with interest, may accrue to the accounts of tenants and residents protected from eviction under the Order. Tenants and residents are required to make partial payments on rent and related obligations as individual circumstance permits.

Owners of leased residential property who violate the Order are subject to criminal penalty under 18 U.S.C. [3559](#) and [3571](#). Individuals violating the order may be fined up to \$100,000 per violation (\$250,000 if a violation results in a death) and imprisonment of one year. Organizations may be fined up to \$200,000 per violation (\$500,000 if a violation results in a death). The U.S. Department of Justice may enforce the Order in federal court. State and local authorities are authorized to assist in the enforcement of the Order.

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<sup>1</sup> The CDC finds any delay in implementation “*would permit the occurrence of evictions—potentially on a mass scale—that could have potentially significant consequences...A delay in the effective date of the Order that leads to such consequences would defeat the purpose of the Order and endanger the public health. Immediate action is necessary.*”



## **Key Terms and Definitions of the CDC Order**

### **‘Covered Persons’**

The term ‘covered person’ includes “any tenant, lessee, or resident of a residential property...” The term ‘covered persons’ applies only to tenants, lessees, or residents of a residential property that declare, under penalty of perjury, five (5) conditions:

1. The person has undertaken “best efforts” to secure government assistance to pay rent and housing costs
2. The person:
  - a. Does not expect to earn more than \$99,000 (\$198,000 for joint filers) in tax year 2020
  - b. Was not required to report income to the IRS in tax year 2019, or
  - c. Received an Economic Impact Payment authorized under the CARES Act
3. The person is unable to make complete rental or housing payments due to “substantial” loss of household income, a reduction of work hours and wages, a lay-off, or “extraordinary” out-of-pocket medical expenses (exceeds 7.5% of adjusted gross income) resulting from the COVID-19 pandemic.
4. The person is making “best efforts” to make partial payments that are as close to full payment as circumstances and other nondiscretionary expenses permit.
5. Eviction will likely lead to homelessness or “congregate or shared living” due to a lack of housing alternatives.

### **Residential Property**

The CDC order broadly defines “residential property” to include any property or dwelling leased for residential purposes. The definition excludes hotels, motels, or guest homes rented on a temporary or seasonal basis.



### Evict and Eviction

The terms ‘evict’ and ‘eviction’ include actions by a landlord, residential property owner, or other person with a legal right to pursue eviction or a possessory action to remove a tenant or resident from a leased residential property. The term ‘other person’ is to be broadly construed and includes “corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.”

The terms ‘evict’ and ‘eviction’ do not apply to a foreclosure on a home mortgage or evictions resulting from tenant or resident:

1. Criminal activity at the leased residential property
2. Activity threatening health and safety of other residents
3. Damage of property or activity that poses an immediate and significant risk of property damage
4. Violation of building codes, health ordinances, or other similar regulation protecting health and safety; or
5. Violation of obligations under the rental contract other than nonpayment of rent, fees, penalties, and interest