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To: MFH-RHIIP-TIPS-L@HUDLIST.HUD.GOV
Subject: RHIIP Listserv Posting #448 -- CDC Issues a Nationwide Eviction Moratorium to Prevent the Spread of COVID-19

RHIIP Listserv Posting #448

September 9, 2020

Welcome to the MULTIFAMILY HOUSING RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT (RHIIP) LISTSERV that brings you up-to-date RHIIP related publications, news, information and occupancy tips in an effort to help reduce errors in rent determinations and subsidy calculations.

CDC Issues a Nationwide Eviction Moratorium to Prevent the Spread of COVID-19

On September 4, 2020, the Centers for Disease Control (CDC) issued an order banning evictions for certain renters through December 31, 2020. The CDC is issuing the eviction moratorium to protect public health and prevent further spread of COVID-19. The order is separate and independent from the expired CARES Act eviction moratorium. The order applies to assisted and unassisted renters in all fifty states, the District of Columbia and U.S. territories (except American Samoa, where there are currently no cases of COVID-19). Wherever there is a state, local or territorial residential eviction moratorium in effect that provides the same or greater level of public-health protection, those protections supersede the CDC order.

To be eligible for eviction protections under the order, residents must sign a declaration form (see link below) and meet the requirements outlined in the order, which are also described in the declaration form.

The order is available at: <https://www.federalregister.gov/d/2020-19654>

The declaration form is available at: <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html>

Multifamily property owners and management agents are encouraged to inform residents of the eviction protections under this order and the required declaration form. In particular, owners of HUD-assisted and FHA-insured properties who are notifying residents that their tenancy will be terminated for nonpayment of rent or fees while this order remains in force should inform residents of the protections available to them under this order and should document such notifications in the tenant file. A resident cannot be required to complete the declaration but will not have the CDC eviction protection without it. The order does not relieve a resident's obligation to pay rent. Residents can still be evicted for reasons other than nonpayment of rent (e.g., criminal activity). The order does not affect the CARES Act provisions related to borrowers that have received forbearance on an FHA-insured multifamily loan. HUD's guidance on evictions at HUD-insured or HUD-held mortgages while under forbearance remains in effect and can be found in Housing Notice H 2020-07, available here: <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-07hsgn.pdf.pdf>.

HUD continues to encourage housing providers to work with residents to help them stay stably housed. Tens of millions of Americans have experienced job loss, reduced hours, and reduced income due to the outbreak of COVID-19. Housing providers can help prevent an increase in homelessness in their communities by working with households to avoid unnecessary evictions. Housing providers can review their records to determine which households are behind on rent and reach out to households to discuss their options.

If a household receives HUD-funded rental assistance and has had a loss of income, they may be eligible for a rent reduction or a hardship exemption effective the first month following the income loss, and should make an appointment with their housing provider for an interim recertification to find out if they are eligible. For both assisted and unassisted residents, HUD encourages housing providers to enter into repayment agreements to help households remain housed if they are unable to repay any rent owed as a lump sum.

Thank you for all your efforts to promote housing stability during these unprecedented times. If you have related questions, please contact your assigned Account Executive or Resolution Specialist.

You can view the RHIIP Tips Archives, under "Listserv-Multifamily RHIIP Tips" at http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/rhiip/mfhrhiip

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