

## COVID-Related Eviction Guidelines

### **For all residential leases**

- Eviction Moratorium – A moratorium on hearing eviction cases and issuance of writs of possession and eviction is in place through June 28.
- If you have an eviction filed, you need to check with the court to find out when the eviction case will be heard by a judge.
- You can still file termination notices (i.e., material noncompliance notice)
- If a tenant has been affected by COVID-19 can provide written proof and ask the court to delay the case for 60 days.
  - "Affected by" means to experience a loss of income from a public or private source due to the Emergency, such that the affected party must request a stay or continuance, as applicable, by providing written proof to a court or lender, as applicable, stating that he is not currently receiving wages or payments from a public or private source as a result of the Emergency.
  - "Written proof" means (i) a paystub showing zero dollars in earnings for a pay period within the period for which the Governor has declared a state of emergency (the Emergency) in response to the novel coronavirus (COVID-19) pandemic public health crisis, (ii) a copy of a furlough notification letter or essential employee status letter indicating the employee's status as nonessential due to the Emergency, or (iii) any other documentation deemed appropriate by a court or lender.

### **For leases on “Covered Dwellings” under the CARES Act (all of the above rules apply to the extent the issue is not addressed below)**

- Covered Dwellings:
  - Federally-backed Mortgage Loan
  - Rural Housing Vouchers
  - Public housing;
  - Section 8 Housing Choice Vouchers;
  - Section 8 Project-Based Rental Assistance;
  - Section 202 Supportive Housing for the Elderly;
  - Section 811 Supportive Housing for Persons with Disabilities;
  - Housing Opportunities for Persons with AIDS (HOPWA);
  - McKinney-Vento Homeless Assistance grants;
  - Section 236 Preservation program;
  - HOME investment partnerships;
  - Rural Development multifamily housing (Section 516 Farm Labor Housing Grants, Section 542 Rural Development Vouchers, Section 521 Rural Rental Assistance, Section 533 Housing Preservation grants);
  - Low Income Housing Tax Credit (LIHTC) program
- There is a late fee and eviction moratorium in place until July 25. You cannot charge late fees, and you cannot file evictions cases for non-payment of rent.
- There is also a moratorium on issuing notices to vacate (material noncompliance notice) for any reason for the duration of the moratorium.
- After the moratorium, any notice to vacate must be for at least 30 days.