



We Strive to Enhance Lives,
Build on Strengths and
Create Community.

9/17/2020

Valued LMHA Partner,

On September 4, 2020, the Centers for Disease Control (CDC) issued a Notice and Order under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 CFR § 70.2. To prevent the further spread of COVID-19, the Order is a temporary halt in residential evictions. This Order is separate from the now expired eviction moratorium in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The Order applies to all tenants in the country (including assisted renters) who are subject to eviction for nonpayment of rent and who submit a Declaration as described in the Order. The link is: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>. The Order is in effect from September 4, 2020 through December 31, 2020.

The Order does not relieve the tenants' obligation to pay rent and the tenants must continue to comply with terms under the lease. However, tenants qualifying as "Covered Persons" under the Order cannot be evicted for nonpayment of rent in violation of the lease if the CDC eviction protections are invoked (see below). Nothing in the Order precludes the landlords from charging or collecting fees, penalties, or interest as a result of the tenants' inability to pay rent on a timely basis. Evictions unrelated to nonpayment of rent can still take place, e.g., criminal activity. Any state, local, or territorial area with a moratorium on residential evictions that provides the same or greater level of public-health protection can supersede the Order. Nothing in the Order affects the CARES Act waivers or funding a PHA receives or is utilizing.

Under the Order, public housing and section 8 tenants are "Covered Persons" with eviction protection if they complete and provide the required Declaration referenced in the Order to their PHA or landlord. A tenant cannot be required to complete the Declaration. However, without it, tenants will not have the CDC eviction protection.

In accordance with the President August 8, 2020, Executive Order to protect renters from evictions, HUD has taken action to help renters avoid evictions due to financial hardships resulting from COVID-19. **HUD continues to promote and make publicly available the Eviction Prevention and Stability Toolkit,** https://www.hud.gov/program_offices/public_indian_housing/covid_19_resources?utm_medium=email&utm_source=govdelivery. Although the toolkit was developed in response to the CARES Act eviction moratorium expiring, several attachments in the toolkit can be referenced, since it was built on innovative practices from Housing Authorities around the country and existing HUD guidance.

LMHA and HUD continues to encourage landlords to engage in direct outreach to families with past due balances and to have immediate and ongoing conversations with the families to prevent eviction even after the CDC Order expires. LMHA and HUD strongly encourages landlords to enter into repayment agreements for past due rent to avoid the tenants' eviction or avoid an unaffordable lump sum rent payment for the unpaid rent after the CDC Order expires.

Included in with this letter you will find the CDC Declaration for participants to sign and return.

For information on additional resources please visit http://www.lmha1.org/about_lmha/covid-19.php.

Thank you for all your efforts to promote housing stability during these unprecedented times.



Notice of Right of Reasonable Accommodation: If you or someone else in your household has a disability – and as a result of this disability, this person needs a reasonable accommodation in order to participate fully in the Housing Choice Voucher or Public Housing Program – please contact the Ombudsman to discuss accommodation options. The Ombudsman of the Housing Choice Voucher program can be reached at (502) 569-6942. The Ombudsman of the Public Housing program can be reached at (502) 569-1168. TDD 502-587-0831.

