



CDC Eviction Order *Frequently Asked Questions*

On September 4, 2020, the Centers for Disease Control and Prevention issued an order titled [“Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19”](#) (Order). The Order recognized that stopping evictions is critical to slowing the spread of COVID-19. Families who are evicted cannot stay home or social distance. The Order does not apply to all renters or all types of evictions. The Order is effective September 4, 2020, through December 31, 2020. The Order states that a landlord may not take any action to evict or cause the eviction of a “covered person” from a residential property in certain types of evictions. Renters who qualify must send a declaration to their landlord and respond to any court complaint.

The following description of this new and untested Order is based on information known to the Public Justice Center as it may apply in Maryland at this time. Anyone faced with eviction should seek legal advice and not rely on this information. [Legal services providers](#) are available in Baltimore City and throughout the state.

1. Who is protected by the Order?

A “covered person” is any renter of a residential property who provides a declaration to their landlord signed under penalty of perjury stating that:

- (1) the renter has used best efforts to obtain all government assistance for rent or housing;
- (2) the renter meets at least one of the following financial criteria
 - (a) expects to earn less than \$99,000 (\$198,000 if filing jointly) in 2020;
 - (b) was not required to report income in 2019 to the IRS, or
 - (c) received a stimulus check this year from the IRS under the CARES Act.
- (3) the renter is unable to pay the full rent due to substantial loss of household income, loss of work or hours at work, or extraordinary out-of-pocket medical expenses;
- (4) the renter is using best efforts to make timely partial payments as best they can; and
- (5) eviction would likely render the renter homeless – or force them to move into and live in close quarters in a new shared living setting (like a shelter or couch surfing).

Every adult on the lease must sign the declaration. Undocumented immigrants are eligible for protection if they meet the declaration criteria.

2. Where can I find the form declaration and how do I provide it to the landlord?

The form declaration is available on the [CDC’s website](#). The National Housing Law Project has [translations of the declaration in multiple language and additional information](#). You may print and sign the declaration. Or, three online tools may help you sign the declaration: the MassAccess [online declaration tool](#), the [Kentucky Equal Justice Center tool](#), and the [A2J Tech form generator](#). These forms can be used in any state.

The Order does not require a specific way of giving the declaration to the landlord. It is always better to have documentation confirming that the declaration was received by the landlord if there is a dispute later. One option is sending one copy of the declaration by first-class mail while sending another copy by certified mail with return receipt. Sending the declaration by email with a “read receipt” is another option. Always keep a copy of the signed declaration for yourself!

3. Can you explain the requirements to seek all government assistance and make partial payments?

The declaration requires you to have asked for help from all available government rental assistance programs (local and state). Call [211](#) statewide to learn more about available programs. In Baltimore City, you should call the [Community Action Partnership](#), (410) 396-5555. You must also continue to make partial payments to the landlord of the rent due when and if you are able to do so. Always get a receipt and never mail a money order.

4. Are all types of eviction actions covered?

No. While evictions for failure to pay rent are covered by the Order, the Order does not stop the landlord from evicting a renter because a renter or their guest is “(1) engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents; (3) damaging or posing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to health and safety; or (5) violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).” If you are facing “Tenant Holding Over” or “Breach of Lease” eviction, talk to an attorney to see if you are covered.

5. Are all stages of an eviction covered? What about the Sheriff executing on the warrant?

The Order states that the landlord or agent “shall not evict any covered person from any residential property.” “Evict” is defined broadly as “any action by a landlord, owner of a residential property, or other person with a legal right to pursue eviction or a possessory action, to remove or cause the removal of a covered person from a residential property.” The Order should cover all stages of an eviction, from filing an eviction complaint to executing an eviction warrant. This interpretation is not shared by everyone, however, and you should seek legal advice if you are facing eviction. If the sheriff is at your door, show your proof that you delivered the CDC Declaration to your landlord. But make sure you have a backup plan if the eviction goes forward.

6. What if I receive a notice about an eviction action or court date after I send the declaration to the landlord?

Seek legal advice and go to court! The landlord may try to argue that the Order does not apply or that they never received the declaration. The Maryland Judiciary has [issued guidance](#) stating that if a renter is successful in raising the CDC declaration as a defense, the court should still determine the amount of rent due but hold off on entering an eviction judgment until after December 31, 2020. We disagree with this interpretation, but either way you should seek legal advice as soon as possible if an eviction action is filed and attend any court hearing to protect your rights.

7. What are the penalties for violating the CDC’s Order or signing a declaration that is not truthful?

The Order provides for significant criminal penalties and civil fines for renters and landlords who violate the Order. If a renter does not qualify for protection, they should not sign a declaration.

8. Will a covered renter still owe rent to the landlord on December 31, 2020?

Yes. This Order does not change any obligation to pay the landlord legally allowed rent and late fees. Renters should continue to seek all government assistance and make partial payments as best they can. This Order does not “solve” the eviction crisis. More federal and state funding for rent relief is necessary.

9. How is this different from Governor Hogan’s Executive Order on evictions?

Governor Hogan’s order (a) requires that the loss of income be directly related to COVID-19 and that the tenant prove that loss in court with sufficient documentation, (b) only applies to failure to pay rent and certain breach of lease actions, (c) does not protect a renter after the court enters an eviction judgment, and (d) ends whenever the state of emergency in Maryland ends.