



CDC ISSUES RESIDENTIAL EVICTION MORATORIUM

The United States Centers for Disease Control and Prevention (the “CDC”) issued a new Agency Order to be published on September 4, 2020 concerning the Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19. Based on the rationale that evictions exacerbate the spread of infectious disease by causing homelessness and forcing individuals and families to move into congregate settings, the CDC issued a temporary moratorium on all residential evictions through **December 31, 2020**.

The CDC’s order applies to residential (but not commercial) evictions. Unlike the prior federal eviction moratorium under the CARES act, the CDC’s order applies to all residential landlords, not just landlords with federally backed mortgages. While the CDC order temporarily prohibits evictions of residential tenants for failure to pay rent, tenants may still be evicted for non-monetary defaults. The order does not relieve tenants from contractual liability to pay rent, late fees, penalties or interest.

The CDC’s order does not limit any state or local eviction moratorium that provides tenants with greater protections. On August 21, 2020, Governor Lamont signed Executive Order 7000 prohibiting landlords from commencing evictions against residential tenants before October 1, 2020 if the eviction is predicated by nonpayment of rent due after February 29, 2020.

In order to invoke the protections of the CDC’s order, tenants must present their landlords with a declaration swearing that they qualify for the foreclosure moratorium. More specifically, tenants must certify that:

1. They have used best efforts to obtain all available governmental assistance for rent or housing;
2. That they qualify financially by representing that:
 - a. An individual expects to earn no more than \$99,000 in 2020 (or \$198,000 for couples filing jointly);
 - b. Tenant was not required to report income in 2019; or
 - c. Tenant received a stimulus check under the CARES Act;

3. Tenant is unable to pay rent due to a substantial loss of household income or extraordinary out-of-pocket medical expenses;
4. Tenant is using best efforts to make partial rent payments as his or her financial circumstances permit; and
5. Eviction would likely render tenant homeless or force tenant to move into close quarters in a new shared living situation because tenant has no other available housing options.

If tenant presents a residential landlord with this declaration, landlord faces significant penalties for improperly proceeding with an eviction. Individual landlords may be fined up to \$100,000 and imprisoned for up to one year for violating the order, and fined up to \$250,000 if a violation of the order results in a death. Corporate entities may be fined up to \$200,000 or up to \$500,000 if a violation results in a death.

It remains to be seen if Connecticut's Governor or its courts will implement any updated procedures to process residential evictions in light of the CDC's order. Although the CDC's order will presumably prevent the evictions of many residential tenants and promote a degree of safety from spread of infectious disease, it does nothing alleviate the financial hardship borne by landlords or to prevent the growing contractual liability accruing against tenants.

If you have any questions or need assistance with regard to this order or any other landlord / tenant issues, please contact Kevin J. McEleney at 860.548.2622 or kmceleney@uks.com.

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