

# Know Your Rights

## Protection from Evictions



### Determine Eligibility

Use the checklist to see if you're eligible

1



### Complete Declaration

Every adult listed on your lease should fill out the declaration.

2



### Submit Declaration

Take the completed declaration(s) to your landlord

3



### Document Submission

Make sure to document that you delivered the declaration – by video, by getting a signature, or through certified mail.

4

## CDC Guidelines

To prevent the further spread of the coronavirus, the Centers for Disease Control and Prevention (CDC) has issued an order to temporarily halt certain residential evictions for nonpayment of rent.

## Eligibility Checklist

- You have used best efforts to obtain all available government assistance for rent or housing
- One of these income statements is true for you:
  - You will earn less than \$99,000 (or \$198,000 when combined with your spouse) this year
  - You weren't required to pay taxes in 2019
  - You qualified for an income stimulus check earlier this year
- You are unable to make your full rent or housing payment because of a loss of income or large medical expense
- You are currently doing your best to make timely partial housing payments that are as close to the full payment as possible
- If evicted, you would either become homeless or enter a shared living space (like living with a family member or staying at a shelter)

This order only delays evictions. You are still required to pay rent and other housing payments, including late fees and penalties. You still need to follow the terms of your lease or other contract – this order does not prevent evictions for reasons other than delinquent payments

THE INFORMATION ON THIS FLYER DOES NOT CONSTITUTE LEGAL ADVICE.

Eligibility and qualification requirements described here are determined by the Center for Disease Control and Prevention. If you need help determining eligibility, contact these organizations



<https://lonestarlegal.blog/covid-19-eviction-resources/>



<https://texaslawhelp.org/article/eviction>

**[FORM] DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing<sup>1</sup>;
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary<sup>2</sup> out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.<sup>3</sup>
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.
- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

**Signature of Declarant**

**Date**

<sup>1</sup> "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

<sup>2</sup> An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year. Public reporting burden of this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to CDC/ATSDR Reports Clearance Officer, 1600 Clifton Road NE, MS D-74, Atlanta, Georgia 30333; Attn: OMB-PRA (0920-1303).

<sup>3</sup> "Available housing" means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate federal, state, or local occupancy standards and that would not result in an overall increase of housing cost to you

**Expiration Date: 12/31/2020**