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FLORIDA'S BUSINESS LAW FIRM

FEDERAL MORATORIUM ON EVICTIONS EXTENDED

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The Centers for Disease Control and Prevention (CDC) halted residential evictions in September to stop the spread of COVID-19. The order was set to expire at the end of 2020. President Trump recently signed into law a COVID-19 aid package that extends the federal moratorium on evictions until January 31, 2021

To be considered a "covered person" entitled to the residential eviction moratorium's protections, tenants must provide an executed copy of a declaration that meets certain requirements. Each adult on the lease must complete a declaration that states under penalty of perjury that:

- The individual has used their best efforts to obtain all available government assistance for rent or housing.
- The individual either (a) expects to earn no more than $99,000 in annual income for 2020 (or $198,000 if filing jointly), (b) was not required to report any income in 2019 to the IRS, or (c) received an Economic Impact Payment (stimulus check) through the Coronavirus Aid, Relief and Economic Security Act.
- The individual cannot pay the full rent due to substantial loss of income, loss of compensable hours of work or wages, a layoff, or extraordinary out-of-pocket medical expenses.
- Eviction would likely render the individual homeless or force the individual to live in close quarters in a new shared living setting because they have no other housing options.
- The individual uses best efforts to make timely partial payments that are as close to the full payment as the tenant's circumstances permit.

Landlords cannot evict "covered persons" from residential properties through January 31, 2021. The federal moratorium on evictions does not apply in any state, local, territorial, or tribal area with a residential eviction ban that provides the same or more significant public health protection level.

The legislation does not relieve a tenant from the obligation to pay rent, make housing payments, or comply with other tenant obligations under the lease. In addition, landlords are not prohibited from charging or collecting fees, penalties, or interest based on the tenant's failure to make timely payments. Landlords may still file eviction actions for reasons other than non-payment of rent.
Tenants who do not meet the criteria to be considered a "covered person" may still be protected from eviction under state or local orders.

In addition to the federal moratorium on evictions, there are other federal tenant protections in place, including (a) the Federal Housing Administration (FHA) ban on evictions from properties secured by FHA-insured single-family mortgages through February 28, 2021, (b) the Freddie Mac and Fannie Mae bar on evictions from single-family properties with Freddie Mac- and Fannie Mae-backed mortgages until at least January 31, 2021, (c) the ban on evictions during the term of a loan forbearance by owners of multifamily properties backed by Freddie Mac and Fannie Mae.

In addition to the eviction moratorium, a $25 billion fund was established to provide rental assistance to qualifying renters. The $25 billion will be distributed by state and local governments, which are required to use

no less than 90% of the funds they receive to provide financial assistance to eligible households for the payment of rent, rental arrears, utilities and home energy costs, and other expenses related to housing incurred, directly or indirectly, as a result of the pandemic. An eligible household is defined as a household in which one individual meets specific low-income requirements.

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