Understanding the CDC's Federal Moratorium on Evictions

September 15th, 2020
Webinar Information

- All participants lines are muted.
- Use the questions feature in the GoToWebinar control panel to submit questions.
- This webinar will be posted to COHHIO’s website.
- This webinar is being recorded.
• Bill Faith, Executive Director of the Coalition on Homelessness and Housing in Ohio

• Diane Yentel, President and CEO of the National Low Income Housing Coalition

• Carlie Boos, Executive Director of the Affordable Housing Alliance of Central Ohio
Increasing Rent Non-Payment

• 76.4% of apartment households paid rent the first week of September – nearly 5% decrease from August (NMHC)

• 288,000 Ohio households are behind on rent; 125,000 think eviction is likely (Census Bureau)

• 54% of total rent due for Class C units was collected the first 15 days of June, in July only 37% (LeaseLock)
September Eviction Filings

- Cleveland – filings down 33% from average; in August filings were down 58%
- Cincinnati – filings down 13% from average September
- Columbus – filings are up 33% from average September

(Source: Eviction Lab)
Diane Yentel, President and CEO of the National Low Income Housing Coalition
Today's date is September 15, 2020

CDC Eviction Moratorium
What We Know & What We're Still Learning
The Protection

A landlord shall not evict any person from any residential property through December 31, 2020 for nonpayment of rent.

No rent relief.
No owner relief.
No payment plan.
No grace periods.
Who Qualifies

Renters
Not just those with units federal support
Includes mobile homes
Includes mobile home land leases

Low and Moderate Incomes
(1) Expect to earn $99k or less in 2020
(2) not required to report income in 2019 or
(3) received a stimulus check

Opt-In
Must affirmatively apply for protections

Who Doesn't

Homeowners & Businesses
Excludes Foreclosures
Limited to Residential property

Hotel, Motel, Guest Houses
Temporary or Seasonal
Most airbnb likely excluded

Unknown Eligibility
Land Trusts
Land Contracts
Other Rent-to-Own
Used best efforts to obtain all available government assistance for rent or housing.

Unable to pay full rent due to substantial loss of household income, hours/wages, lay-off, or extraordinary (7.5% AGI) out of pocket medical expenses.

Using best efforts to make timely partial pmts as circumstances allow.

Will become homeless or live in close quarters with others; have no other available housing options.
Declaration form can be anyone that is similar to the CDC template

If your local courts require or prefer something different... use that one

Return it to the landlord or owner (probably their attorney, too)

"Should" be completed by all adults listed on the lease

One-time cert should be okay. But consider resubmitting if circumstances change
The Caveats

This prohibits evictions for non-payment of rent, not "other reasons". Listed examples of evict-able offenses include criminal activity, threatening health, "significant risk" to property, violating local code, and "other"

Doesn't cap fees, but Ohio law may.

Order references possible availability of ESG, CDBG, or Treasury funds for temporary rent relief. Ohio does not have any of these programs, a patchwork of help may be available at the local level.
Unknowns

What does "all available government assistance" mean?

Can landlord evict by not renewing a M2M lease?

What other non-nonpayment actions can result in eviction?

What happens on January 1st?
A Word of Caution

Fines start at up to $100k and a year in jail. Increases is someone dies because of the violation. DOJ oversees criminal penalties.

No self-help!
Challenges

At least one legal challenge was filed (Brown v. Azar et al, 1:2020cv03702) and is currently seeking a temporary restraining order to suspend implementation. The suit asserts multiple constitutional challenges:

- Exceeded Delegated Authority
- Violates Right to Court Access
- Violates Supremacy Clause
- Violates 10th Amendment
- Commandeers State Resources
- CDC is Legislating, Violating Art. 1
- Executive Can't Suspend State Law
How Can We Help?

GET Loud

#RentReliefNow
#GetBackToWork
Stay in touch!

www.AHACO.org

@AffordHouse_OH

facebook.com/AHACOhousing

Carlie@AHACO.org
Questions
Eviction Prevention Resources

Ohio Legal Help:


• CDC Eviction Moratorium Declaration Form: [https://www.ohiolegalhelp.org/letters-forms/cdc-eviction-moratorium-declaration-form](https://www.ohiolegalhelp.org/letters-forms/cdc-eviction-moratorium-declaration-form)

NLIHC: [https://nlihc.org/national-eviction-moratorium](https://nlihc.org/national-eviction-moratorium)

OHFA: [https://ohiohome.org/compliance/CC/CDC-EvictionMoratorium.html](https://ohiohome.org/compliance/CC/CDC-EvictionMoratorium.html)