



New Protections for Tenants Facing Eviction for Nonpayment

The Centers for Disease Control and Prevention (CDC) issued an Order which protects tenants from eviction due to nonpayment of rent between September 4, 2020 and March 31, 2021. The CDC took this action because evictions pose a health hazard during a pandemic. This Order protects tenants who rent a house, apartment unit, mobile home, or land in a mobile home park.

To be protected from eviction, you must sign and complete a Declaration form and give it to your landlord, the property owner, or the property manager. Every adult listed on the lease must complete a Declaration. If there is not a written lease, every adult living in the household should sign and complete a Declaration and give it to the landlord. You must keep a copy of the Declaration and proof that it was provided to the landlord.

The Declaration is a special form created by the CDC which tenants must use. It is important to read and understand the Declaration. By signing the Declaration, you are swearing that every statement in it is true. A tenant that makes a false or misleading statement could be prosecuted for perjury and may have to pay a fine or even go to jail. In the Declaration, you will be stating that the following statements are true:

1. That you tried to get help to pay the rent by contacting and filing applications with agencies that help pay rent using State or Federal money. Tenants should keep a record of the organizations they contact, the date, and what they are told.
2. That at least one of the following statements is true:
 - a. You expect to earn no more than \$99,000 in 2020 or \$198,000 if you filed a joint tax return with another adult;
 - b. You were not required to file a tax return in 2019 because your income was low, OR
 - c. You received an Economic Impact Payment (stimulus check) under the CARES Act.

3. You are unable to pay the full amount of the monthly rent because the household has less income as a result of one of the following:
 - a. A source of income stopped – someone in the household lost their job or their benefits, such as unemployment payments;
 - b. Someone in the household is working but is now earning less than they once did; OR
 - c. You have to pay medical bills likely to exceed 7.5% of your income for the year.
4. You are doing your best to make timely partial rent payments, and
5. You have no other housing options and, if evicted, would likely become homeless, need to move into a homeless shelter, or need to move in with another household that would then be crowded.

Once you complete the Declaration and give it to your landlord, you should not be evicted because of nonpayment of rent or other charges. A tenant should not wait until their landlord takes court action to evict them before completing and delivering the Declaration. The Declaration can be given to the landlord at any time.

Once the Declaration is delivered to the landlord you cannot be evicted for nonpayment of rent. You should offer to pay the landlord whatever part of the rent you can afford. If the landlord refuses to accept the rent, keep a record of the amount offered and what the landlord said and did when it was offered. When the CDC's Order expires on December 31, 2020, you will be responsible for paying all past due rent and may be evicted if you are unable to pay.

Landlords can evict tenants for reasons other than nonpayment even if the tenant delivered the completed Declaration. Tenants are still required to follow all the other terms of their lease and other rules. A tenant is not protected from eviction for a lease violation.

Apply for legal assistance at www.glsp.org or call at 833-GLSP-LAW

The Georgia Legal Service Program provides free legal assistance to eligible persons with income up to 200% of the federal poverty level and limited assets. We serve US Citizens and persons with certain legal immigration statuses. We provide free interpretation. If you live in Fulton, Clayton, Cobb, Dekalb, or Gwinnet, you should contact the Atlanta Legal Aid Society at 404-524-5811.