



OFFICE OF PUBLIC & INDIAN HOUSING

Dear Tribal Leaders and Executive Directors,

On September 4, 2020, the Centers for Disease Control (CDC) issued a Notice and Order under Section 361 of the Public Health Service Act (42 U.S.C. § 264) and 42 CFR § 70.2, available [here](#). I strongly recommend that all of you read the Order, which is published in the Federal Register at 85 FR 55292. To prevent the further spread of COVID-19, the CDC Order temporarily halts all residential evictions for nonpayment of rent. This Order is separate from the now expired eviction moratorium in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

The Order applies to all tenants in the country who are subject to eviction for nonpayment of rent, including tenants assisted under programs administered by HUD's Office of Native American Programs, such as the Indian Housing Block Grant program. This Order temporarily halts these evictions from September 4, 2020, through December 31, 2020.

Under the Order, tenants cannot be evicted for nonpayment of rent, provided the tenant signs the Declaration that is attached to the CDC Order certifying that:

1. They have used best efforts to obtain all available government assistance for rent or housing;
2. They 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), were 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;
3. They are unable to pay their 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 out-of-pocket medical expenses;
4. They are using best efforts to make timely partial payments that are as close to the full payment as their circumstances may permit, taking into account other nondiscretionary expenses;
5. If evicted they 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 they have no other available housing options.
6. They understand they must still pay rent or make a housing payment, and comply with other obligations that they may have under their tenancy, lease agreement, or similar contract. They understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by their tenancy, lease agreement, or similar contract may still be charged or collected; and
7. They understand that at the end of this temporary halt on evictions on December 31, 2020, their 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 them subject to eviction.

In order for the tenant to get the protections under the CDC Order, they must sign and provide the Declaration to their landlord, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live. A tenant cannot be required to complete the Declaration. However, without it, they will not have the CDC eviction protection.

The Order does not relieve the tenants' obligation to pay rent, and tenants must continue to comply with all other terms and provisions in their lease, rental agreement, or housing contract. Additionally, nothing in the Order precludes landlords from charging or collecting fees, penalties, or interest as a result of the tenants' inability to pay rent on a timely basis.

Evictions unrelated to nonpayment of rent can still take place. For example, Tribes and TDHEs can still evict tenants for violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

Any tribal, state, or local area with a moratorium on residential evictions that provides the same or greater level of public-health protection can supersede the Order.

Tribes and TDHEs may inform their tenants of the CDC Order and make the required Declaration available to any tenant who may be subject to eviction for nonpayment of rent. In the near future, HUD will provide Tribes and TDHEs with additional guidance on the requirements of the Order.

In accordance with President Trump's August 8, 2020 Executive Order 13945, titled "Fighting the Spread of COVID-19 by Providing Assistance to Renters and Homeowners," HUD has taken many actions to help Native American renters avoid evictions due to financial hardships resulting from COVID-19. This includes making funding available to Tribes and TDHEs under the IHBG-CARES and ICDBG-CARES programs to help prevent homelessness, providing guidance through FAQs, toolkits, and flyers, and more to help support Tribes' and TDHEs' efforts to keep families in their homes, granting regulatory flexibilities to assist them as they respond to the ongoing pandemic, and more.

HUD continues to encourage Tribes and TDHEs to engage in direct outreach to Native American families that may be experiencing financial hardship as a result of the ongoing COVID-19 National Emergency, and to provide them with assistance to prevent eviction, even after the CDC Order expires. HUD strongly encourages Tribes and TDHEs to continue to provide any available relief to ensure that Native American families remain stably housed.

Thank you for all your efforts to promote housing stability during these unprecedented times. If you have related questions, please send them to Codetalk@hud.gov.

With appreciation,



Hunter Kurtz
Assistant Secretary