

KNOW YOUR RIGHTS AS A TENANT

Are you worried that you will be evicted for not paying your rent? On 9/4/2020 the CDC issued an order making it illegal for certain tenants to be evicted. This means there is a halt on many evictions based on non-payment of rent. But to be protected, you must qualify AND give your landlord a declaration form.

5 QUESTIONS TO ASK TO DETERMINE IF YOU QUALIFY AS A “COVERED” PERSON

- 1** Have I tried to get government assistance to pay rent or find housing?
- 2** Do I earn less than \$99,000 per year? OR If I file my taxes jointly, do we make less than \$198,000 yearly? OR Did I receive a stimulus check this year?
- 3** Is the reason I can't pay rent because of job loss, loss of work hours, a layoff, or extra large medical bills?
- 4** Have I tried my best to pay my landlord on time or offered to pay what I can?
- 5** If I am evicted, would I probably become homeless, move to a shelter, or be forced to move in with friends or family?

ONLY “covered” people are protected from eviction under the order. If you answered yes to the 5 questions, every adult in your house should give a declaration to your landlord. You can use the declaration on the back of this form or go to: <https://bit.ly/37qIMr0>

After you give your landlord the declaration, you should not be evicted until after 12/31/20. You **MUST** continue to try to pay your landlord as much rent as you can afford.

This flyer is for information only. It is not intended to be legal advice.

FREQUENTLY ASKED QUESTIONS

1. After I give my landlord the declaration, what happens next?

Your landlord may still try to start the court process to evict you. If you get a paper with a court date, **go to court**. If you skip court, you could lose. Tell the judge you gave your landlord the CDC declaration. Your landlord can't change your locks or shutoff your utilities to force you out.

2. Do I have to prove that the declaration protects me?

You should be ready to tell a judge why you're protected if you go to court. Be ready to tell the judge how much you've tried to pay in rent. Keep a diary of the rent you've tried to pay and all the places you've called to get help to pay your rent. Keep track of every call you make for rent help, even if the group doesn't answer or says no.

3. When should I call Legal Aid for help?

You can call Legal Aid for help at any time during the process. We may be able to give you advice or help you in court depending on the problems you're having.

FINANCIAL RESOURCES FOR MIDDLE TENNESSEE:

These are places you should call to see if they can help you pay rent:

- **United Way:** You can reach your local United Way by dialing 2-1-1 from your phone. If your United Way can't help, ask if they can refer you to a group that can help
- **Community Action Agencies:** Local agencies may be able to help you pay rent. Look for the CAA near you at: <https://bit.ly/2Hk8di0>
- **Local Churches and Non-Profits:** Make calls to local churches and community organizations to see if they can help with your rent
- **Continuum of Care:** Each county has a group to give help to people having problems with homelessness. To find the Continuum of Care in your county, go to: <https://bit.ly/3kg6WXB>

DECLARATION OF ELIGIBILITY

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;¹
- 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 extraordinary² 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;
- 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.³
- 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 _____

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

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

³ "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.