

CDC MORATORIUM – FREQUENTLY ASKED QUESTIONS

Q: HOW DO I KNOW IF I AM ELIGIBLE FOR HELP UNDER THE CDC ORDER?

A: To be eligible, tenants must meet the following qualifications:

- The eviction action against you must be because of non-payment of rent;
- You have used your “best efforts” to obtain government rental assistance;
- You do not expect to earn more than \$99,000 in 2020 (or \$198,000 if you are married and filed a joint tax return), or you did not need to report income to the federal government in 2019, or you received an Economic Impact Payment this year;
- You have been experiencing a “substantial” loss of household income because of a layoff or reduced work hours, or you have “extraordinary” out-of-pocket medical expenses.
- You have been making your best effort to make partial rent payments as close to the full amount due as possible; and
- Being evicted would cause you to become homeless or force you to move in with a friend or family member.

Q: WHAT STEPS MUST I TAKE TO BE PROTECTED BY THE CDC ORDER?

A: If you meet all of the above conditions, you must send a signed declaration to your landlord or their attorney. If possible, send the declaration via certified mail or e-mail so you can provide proof that it was sent and received. You should also make a copy of the declaration to keep for your records. If you are unable to make a copy, you can take a picture of the signed declaration so you at least have something for your records.

Q: DO I NEED TO PROVIDE PROOF OF FINANCIAL HARDSHIP, “BEST EFFORTS” TO OBTAIN ASSISTANCE, OR OTHER CRITERIA FOR COVERAGE?

A: No. Rhode Island district courts will halt eviction proceedings when judges receive notice that a declaration has been sent to the landlord, and they will not typically examine proof of a tenant’s claim.

Q: IF I HAVE ROOMMATES, DO WE EACH NEED TO FILL OUT A DECLARATION?

A: Yes. The CDC’s order specifies that every adult on the lease should sign and send their own declaration.

Q: WHAT IF MY LANDLORD IGNORES THE DECLARATION AND MOVES FORWARD WITH EVICTION OR TRIES TO HARASS ME INTO LEAVING?

A: The declaration should stop the landlord from taking any steps to evict you. If your submission of the declaration to your landlord does not stop your landlord from taking those steps, you can notify the court (or law enforcement) that your landlord is violating the CDC's Order. Also, landlords who violate the CDC's order may be fined up to \$100,000, face up to a year in jail, or both if the evicted person contracts coronavirus as a result of the eviction. The only legal way for your landlord to evict you is through the Court. If your landlord threatens to kick you out without a Court Order, or cuts off heat, water or power to your home to get you out, your landlord is violating the law.

Q: CAN THE CDC ORDER HELP ME IF I AM ALREADY IN THE PROCESS OF BEING EVICTED?

A: Yes. Rhode Island courts have advised that the declaration halts the eviction process at **all stages**, even where a judgment has already been entered. But the CDC Order does not entitle you to return to your home if you have already been lawfully removed.

Q: SHOULD I STILL PAY MY RENT?

A: Yes. If you are able, you should still pay as much of your rent as possible. The declaration also requires you to agree that you will make partial payments to your landlord to the extent your circumstances allow it. The CDC Order does not modify your obligation to pay rent.

Q: DOES THE MORATORIUM INCLUDE ANY MONEY TO HELP ME PAY RENT?

A: No. But there is rental assistance available from other sources, and the moratorium can give you time to access that help. For more information about obtaining rental assistance in Rhode Island, contact United Way Rhode Island at 211.

ⁱ This is for informational purposes only, and it does not create an attorney-client relationship.