

# Utah Legal Services

Committed to Equal Justice

[www.utahlegalservices.org](http://www.utahlegalservices.org)

---



## CDC (Federal) Eviction Moratorium

The CDC ordered a stop (also called a moratorium) to evictions for nonpayment of rent for covered tenants-this moratorium was extended by the CDC to July 31, 2021. A covered tenant has 1) used their best efforts to obtain all available government assistance for rent or housing; 2) earns less than \$99,000 in annual income for calendar year 2020 (or less than \$198,000 if filing a joint tax return); 3) is unable to pay the full rent due to substantial loss of household income, loss of hourly work or wages, a lay-off or extraordinary out-of-pocket medical expense; 4) is using best efforts to make timely partial payments that are as close to the full payment as they can; AND 5) the eviction would likely render the individual homeless (or forced to move into a shared living setting) because the individual has no other available housing options.

Unlike the moratorium under the CARES Act, the CDC eviction moratorium allows a landlord to charge late fees, and other money owing under a rental agreement.

The moratorium only applies to nonpayment of rent evictions for tenants that can say yes to the five statements listed above. It does not apply to end of term/no cause, nuisance, criminal nuisance, or any other eviction. A tenant must give a written statement to the landlord if they qualify for eviction protection. Suffolk Law School's Legal Innovation and Tech (LIT) Lab built an online tool that you can use to find out if you qualify for the CDC eviction moratorium. You can access the tool at <https://suffolklitlab.org>. You can use the form produced by the online tool, or you can use our form located at the bottom of this page.

If you need help paying your rent due to Covid-19, please go to <https://rentrelief.utah.gov/> to see if you qualify for rental assistance.

## **EXPLANATION AND INSTRUCTIONS FOR USING OUR “Renter’s Statement Regarding C.D.C. Non-Payment Eviction Moratorium”**

**NOTE:** Landlords can challenge a Renter’s Statement in court. Read the **Challenge Tips**. Participate in every scheduled court hearing. (If you give an email address, that is how the court will notify you of every hearing.)

**Governmental assistance.** Go to <https://rentrelief.utah.gov/> Complete and submit an application. Also call 2-1-1 for referrals to organizations in your area that have money to help renters. Apply for assistance even though you may have to wait for help. Submit a Renter's Statement while waiting if all other requirements are met.

- **Challenge Tip:** Keep a copy of your rent relief application. Make a list of dates you called 2-1-1.

**Income.** If you received a "stimulus" payment, you have met the income guideline for the moratorium, or if you did not have to file an income tax return for 2020.

**Less work / Loss of job / High medical bills.** The Renter's Statement asks you to certify that your income is substantially reduced or that your out-of-pocket medical expenses exceed 7.5% of your adjusted gross ("taxable") income. There is no requirement that a job loss or hours reduction be connected to the coronavirus pandemic. And if you have high medical bills, there is no requirement that you have already paid those bills; the medical bills may still be owing.

- **Challenge Tip:** "Before" and "after" paycheck stubs or work schedules, copies of medical bills, and layoff notices may help prove inability to pay the full rent.

**Partial payment.** The Renter's Statement requires that you try to make partial payment(s) of rent. If you offer an amount less than full payment and the landlord accepts it, keep proof of the partial payment (e.g., receipt, cancelled check).

- **Challenge Tip:** Try to pay some rent every month. If accepted, keep proof. If the landlord does not accept partial payment, send a text or email to the landlord stating when and how much you tried to pay. Keep those messages.

**Available housing.** If evicted, do you have somewhere to live that is not shared by other people?

**Fees and penalties.** The landlord can still charge late fees or penalties allowed under the rental agreement. The rent is still due but you cannot be evicted for not paying it until after **July 31, 2021**. (You can still be evicted for other reasons.)

**Instructions:** Each individual adult tenant/renter should independently comply with every requirement. Keep evidence of compliance with the requirements in the Renter's Statement. One tenant may fill out a Renter's Statement for another tenant but both tenants may be asked the reason(s) for doing this. You can use <https://suffolklitlab.org/> for free to both create, sign and email your Renter's Statement. Sign and date the Renter's Statement. Write in the date you will provide the Renter's Statement to the landlord/ manager or mobile home park. ***Be sure to keep a completed copy for yourself.***

Deliver the completed Renter's Statement to the landlord/manager or mobile home park on the date you wrote. If you usually put your rent check in a drop box, you can put the Renter's Statement in that drop box, but delivering it by hand to an individual person is likely better. If you

mail your rent you should mail this Renter's Statement to the same address. If you pay your rent electronically (by payment app.) and have no physical address or contact person, send a message to your landlord/manager asking how to deliver the Renter's Statement. If possible, attach an electronic copy of the Renter's Statement through your payment app. Or send a copy by email using <https://suffolklitlab.org/>.

The Renter's Statement protects you from being evicted for non-payment of rent beginning September 4, 2020. That means a court order ("Order of Restitution") cannot be enforced before **August 1, 2021**. However, your landlord may give you a three-day pay or vacate notice (five days in a mobile home park) at any time and then file an eviction action in District Court if you do not pay immediately. Under Utah law, a tenant who remains in the rental property after the end of the notice period (3 or 5 days) is subject to treble damages: three times the normal rent amount for each additional day. The federal moratorium does not appear to prohibit this but it does prevent the landlord from enforcing a court's eviction order until **August 1, 2021**. NOTE: Landlords can challenge a Renter's Statement in court once an eviction lawsuit is filed. Participate in every court hearing. Otherwise, your Renter's Statement may be voided by the judge.

If you use the Renter's Statement and then receive an eviction notice, please call us.

 [Declaración de Inquilino/a en cuanto a la Moratoria de Desalojos en base de No Pagar de los Centros para el Control y Prevención](#)  
 [CDC Eviction Moratorium and Renters Statement](#)

---

Printed: July 23, 2021

<http://www.utahlegalservices.org/node/81/cdc-federal-eviction-moratorium>

©Utah Legal Services