

CDC EVICTION MORATORIUM ORDER - CERTIFICATION FOR MANAGER TO SIGN

On September 4, 2020, the U.S. Centers for Disease Control published a nationwide residential eviction moratorium for non-payment of rent cases. This applies to all rental properties in the country—not just those with federally-backed/insured mortgages. The Order says that a housing provider cannot evict a “covered person,” which is a resident who signs a declaration attesting that: (1) they make less than \$99,000 annually in 2020 (\$198,000 if joint filer) or they received an Economic Impact Payment under the CARES Act or they were not required to report taxable income in 2019; (2) they are using best efforts to get rental assistance; (3) they are unable to pay in full; (4) they are using best efforts to make partial payments; and (5) the eviction would render them homeless or require them to stay with others. (no specific form required by CDC).

The Order does not prohibit you from pursuing evictions relating to non-compliance, health and safety, or immediate evictions (for criminal activity or serious property damage). Please consult with your attorney regarding any non-renewal, as it may be prohibited.

IMPORTANT – BASED UPON DOCUMENTS PUBLISHED BY THE CDC AND ARIZONA SUPREME COURT – you can challenge a declaration if you believe it is based upon materially inaccurate statements. Further, you can proceed through judgment, even if a declaration is signed, but you cannot proceed to a writ, unless you are challenging the declaration.

We need to know if you have received the CDC declaration.

No, I have NOT received a CDC declaration signed by the tenant(s) listed below Initials: _____	Yes, I have received the CDC declaration signed by the tenant(s) listed below Initials: _____
I wish to (check one): <input type="checkbox"/> File Eviction Action <input type="checkbox"/> File writ to be executed	I want to (check one): <input type="checkbox"/> Proceed to judgment (if you proceed to judgment, you cannot and should not request a writ, unless first consulting with your corporate office and attorney) <input type="checkbox"/> Challenge writ (must speak to attorney)

By signing below, you are confirming that (1) you or any person entitled to evict have not received a declaration, attestation, or similar document from your residents wherein they claim protection under the Order, or (2) you have received a signed declaration but are only proceeding through judgment or have approval to challenge the declaration and seek the writ and have consulted with an attorney at The Law Offices of Scott M. Clark, P.C..

A TENANT CAN INVOKE THE PROTECTIONS IN THE CDC ORDER AT ANY TIME PRIOR TO EXECUTION OF THE WRIT. IF YOU ARE PURSUING AN EVICTION, MANAGER UNDERSTANDS AND AGREES THEY ARE TO IMMEDIATELY NOTIFY OUR OFFICE IF THE TENANT COMPLETES A CDC DECLARATION.

BY COMPLETING THIS, YOU ARE ATTESTING THAT THE ABOVE STATEMENTS ARE ACCURATE.

Name: _____ Date: _____ Signature: _____

Community Name: _____

Tenant Name: _____

Rental address: _____ Unit #: _____

CAUTION - A person or business that acts in violation of the Order is subject to monetary penalties and jail time. Penalties can be up to \$500,000 and/or up to one year in jail. DO NOT VIOLATE THE ORDER.

(form v.10/19/2020)

