

October 14, 2020

Trump Administration Permits Eviction Proceedings Before CDC Moratorium Expires

by the Mixed-Use, Condominium, and Multifamily Group

Amid landlords litigating the Centers for Disease Control (CDC) residential eviction order (Order) at the local, state, and federal levels, President Trump's administration issued a clarification through a series of [FAQs](#) that allow certain eviction proceedings to begin sooner than may have been anticipated. Read our prior alert on the Order [here](#).

Though the CDC's national moratorium on evictions currently remains in effect through December 31, 2020, the agency updated its information page last Friday (October 9, 2020) to clarify that landlords are permitted to begin eviction proceedings in court before the moratorium expires.

A few important items to note from these FAQs:

- The Order is not intended to terminate or suspend any ongoing eviction proceedings, nor does it prevent landlords from initiating new eviction proceedings, provided that the eviction of the covered person for non-payment of rent does not actually occur prior to January 1, 2021.
- Tenants are not relieved of their obligations to pay rent and any associated interest or late fees permitted by the lease and applicable law.
- Evictions are permitted for reasons other than the non-payment of rent. The FAQs stipulate that covered persons may not be evicted *solely* on the basis of the failure to pay rent. Thus, if the tenant does not pay rent and otherwise violates the terms of the lease, an eviction may still occur.
- To qualify as a covered person protected by the Order, the tenant must complete a [Declaration](#) or otherwise certify to the five conditions set forth in the Declaration form.
- If the tenant declared themselves a covered person under the Order but the landlord does not believe the tenant actually qualifies, the landlord is permitted to challenge the truthfulness of the Declaration in court. However, until the court makes a determination in favor of the landlord, the tenant may not be evicted.

Lawyers in Ballard Spahr's [Mixed-Use, Condominium, and Multifamily Group](#) will continue to monitor implementation and responses to the Order and provide updates when appropriate. The team is advising clients on compliance with the Order.