

CDC MORATORIUM – FREQUENTLY ASKED QUESTIONS

Q: HOW DO I KNOW IF I AM COVERED BY THE MORATORIUM?

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. **These losses or expenses do not have to be COVID related.**
- 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 EVICTION MORATORIUM?

A: If you meet all of these 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.

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

A: No. Rhode Island courts have advised tenants and landlords that they will halt eviction proceedings when they receive notice that a declaration has been sent to the landlord, and will not “look under the hood” for 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?

A: 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. Contact Rhode Island Legal Services for more information and recourses if you feel your landlord is unlawfully ignoring the declaration.

Q. WHAT IF I AM IN THE PROCESS OF BEING EVICTED?

A: When the declaration was first put out by the CDC, Rhode Island courts advised that the declaration halted the eviction process at all stages, even where a judgment has already been entered. Under the District Court’s revised order effective as of November 3, 2020, **a signed declaration only halts the execution of a judgment and no longer halts the scheduling of a court hearing, a judge’s decision after the hearing, or the entry of judgment.** Despite this change, qualifying tenants going through an eviction should still provide their landlord, their landlord’s attorney, and/or the court a signed declaration to delay the eviction as quickly as possible.

Q: SHOULD I STILL PAY MY RENT?

A: Yes. If you are able, you should still pay as much of your rent as possible in order to continue meeting the qualifications for the moratorium. The declaration also requires you to agree that you will make partial payments to your landlord to the extent your circumstances allow it. All back rent will have to be paid once the moratorium expires on March 31, 2021.

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

A: No. Without rental assistance, the moratorium doesn't ultimately prevent evictions – it just delays them. For more information about obtaining rental assistance in Rhode Island, contact United Way Rhode Island at 211.