



Federal Eviction Moratorium Affects Wisconsin Residential Properties

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MADISON – Recent Federal Orders from The Centers for Disease Control (CDC) at the Department of Health and Human Services (HHS) impact evictions from residential properties in Wisconsin and across the nation. The CDC order to *'Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19'* will become effective on September 4, 2020 and run through December 31, 2020.

Renters are not automatically entitled to protections under the CDC order. To invoke the CDC's order tenants, lessees, or residents of residential properties must provide a signed copy of the declaration form provided by the CDC (or a similar declaration under penalty of perjury) to their landlord, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live. This does not include foreclosures on home mortgages. Each adult listed on the lease, rental agreement, or housing contract should provide a separate declaration.

Tenants are still required to pay rent and follow all the other terms of their lease and rules of the place where they live. Unpaid rent will accumulate. Tenants may still be evicted for reasons other than not paying rent or making a housing payment. The order does not prevent the charging or collecting of late fees, penalties, or interest.

The moratorium only applies to tenants that declare under penalty of perjury that ALL of the following statements are true.

- They have used best efforts to obtain all available government assistance for rent or housing;
- They either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), were not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- They are unable to pay full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary (at least 7.5% of income) out-of-pocket medical expenses;
- They are using their best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;
- If evicted they would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because they have no other available housing options;
- They understand that they must still pay rent or make a housing payment, and comply with other obligations that they may have under the tenancy, lease agreement, or similar contract. They must further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by the tenancy, lease agreement, or similar contract may still be charged or collected;
- They understand that at the end of this temporary halt on evictions on December 31, 2020, their housing provider may require payment in full for all payments not made

prior to and during the temporary halt and failure to pay may subject the tenant to eviction pursuant to State and local laws;

- Any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

The Bureau of Consumer Protection at DATCP regularly updates frequently asked questions about Landlord Tenant issues during the COVID19 on our website at https://datcp.wi.gov/Pages/News_Media/LandlordTenantCOVID19FAQs.aspx.

A copy of the Federal Order may be found at <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>.

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