

What Houston renters need to know about the CDC eviction moratorium

How it works

Any renter behind on payments can sign a declaration preventing eviction. Unlike the first nationwide eviction moratorium, which was in effect through July 31, the CDC moratorium applies to all landlords, not just those with support from federal loans or tax exemptions. It does not apply to those facing eviction for any issues unrelated to missed rent payments, such as behavioral violations.

Declaration requirements

Renters must meet all five requirements established by the CDC to fill out a declaration. They must state that they:

1. Earned less than \$99,000 per year if unmarried or \$198,000 per household;
2. Experienced substantial loss of income due to a lost job, reduced working hours or substantial medical expenses;
3. Attempted to make partial rent payments;
4. Attempted to obtain rental assistance through any government assistance program—this could include applying to Houston and Harris County’s rental assistance program or applying for a Section 8 voucher; or
5. Would, if evicted, become homeless or forced into a living situation that does not promote social distancing, such as with an outside family member or friend.

How to turn in a declaration

Tenants can give the declaration to a landlord or an agent of a landlord, such as a property manager, after the tenant has attempted to make partial payments and attempted to apply for government assistance, if eligible. Tenants do not have to have already had an eviction filed against them to sign a declaration. They can give the declaration to the landlord at any point in the eviction process, including during a hearing.

Landlords’ rights

A landlord has the authority to question the validity of the declaration and still file an eviction. Texas justices of the peace are instructed to ask landlords if the tenant turned in a declaration and to ask for details of the declaration, according to the [Texas Justice Court Training Center](#).

What Makes a Tenant a "Covered Person" Under the Order?

This order is not a continuation of the CARES Act. It does not matter for purposes of this order whether a property has a federally-backed mortgage or participates in any sort of voucher or

subsidy program. Instead, this order provides that a “covered person” may NOT be evicted from residential property based on nonpayment of rent or other amounts due under a lease or agreement.

In order to be a “covered person” under this order, a tenant must provide to the 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, a sworn Declaration that the tenant meets certain qualifications. Each tenant listed on the lease or other agreement must provide a Declaration in order to be covered by this moratorium. If only one tenant provides a Declaration, that tenant would be a “covered person” but the other tenants could be evicted.

Does This Order Mean Tenants Don't Owe Rent During the Moratorium?

No. Rent will continue to accrue during the period of moratorium, even for “covered” tenants. Additionally, unlike during the CARES Act moratorium, late fees, penalties, and interest can be assessed by a landlord for a tenant's failure to timely pay rent, even though a landlord may not take steps to evict a tenant for failure to pay these amounts until after the moratorium expires.

Tenants' rights

According to the [Texas Justice Court Training Center](#), if a tenant does not appear in court, the landlord must prove that the tenant did not hand in a declaration. If the tenant did hand in a declaration, the justice of the peace must not move forward with the case, regardless of whether the tenant is present for the hearing.

Harris County Residents

[Houston Volunteer Lawyers](#) has obtained a list of [Harris County properties](#) that participate in Section 8 Housing. If you live at one of these properties, the CARES Act may protect you from eviction and late fees -- even if you yourself are not a Section 8 tenant.

So does the CARES Act apply to your landlord? If you live at a multi-family property, like an apartment complex, you can use this tool from the National Low Income Housing Coalition to see if the CARES Act applies to your landlord. Also, no matter what type of property you live on, the CARES Act applies to your landlord if there is a mortgage backed by Freddie Mac or Sallie Mae or if your landlord participates in a covered federal housing program. For example, the CARES Act applies if you live in public housing or on a Low Income Tax Credit property.

<https://texaslawhelp.org/article/evictions-during-covid-19-pandemic#toc-9>