



# Addressing Tenant Concerns Regarding Rent and the Temporary Suspension of Evictions for Nonpayment of Rent

The U.S. Department of Housing and Urban Development (HUD) developed this flyer to provide Housing Choice Voucher (HCV), Public Housing, and Section 8 Moderate Rehabilitation (Mod Rehab) participants with important information and resources about paying rent during the national emergency concerning the coronavirus pandemic.

## What is the suspension of evictions about?

**Evictions for nonpayment of rent, and charges/fees for nonpayment of rent, have been temporarily suspended.** This applies to all HUD-assisted participants from March 27, 2020 to July 24, 2020<sup>1</sup>. Although your Public Housing Authority's (PHA) Admissions and Continued Occupancy Policies (ACOP) and/or Administrative Plan may not be updated, please be aware that the suspension of evictions for nonpayment of rent is in place.

## Having trouble making rent?

- **Voucher and public housing participants:** If you lost your job or had a significant loss of income, **request an interim reexamination** with the housing authority as soon as possible. Your rent can be adjusted to reflect the change in income or you may be eligible for a financial hardship exemption. Your housing authority may also know about other local resources.
- **Voucher participants only:** **Contact your landlord right away.** Reach out early to discuss potential payment plans or accommodations. Due to loss in income and the resulting interim reexamination, your rent adjustment may be retroactive. Confirm with the PHA and your landlord whether you will receive a credit for the previous month.

## What else should you know?

- **Rent is still due** during this time period and will accumulate if unpaid.
- Your landlord and the PHA cannot initiate a new eviction action for nonpayment of rent and you should not receive a notice to vacate for nonpayment of rent from March 27, 2020 – July 24, 2020.
- Your landlord and the PHA cannot charge any late fees, or accrue charges/fees, and your assistance cannot be terminated for past due rent in April, May, June and July 2020.
- If you are behind on rent after the suspension of evictions expire: **Voucher participants** need to negotiate directly with your landlord to determine requirements to repay unpaid rent. Otherwise, your landlord could file an eviction. **Public housing participants** need to work with the PHA to pay unpaid rent in a lump sum or set up a repayment agreement. Otherwise, your assistance could be terminated and/or the PHA could file an eviction.
- Evictions for nonpayment of rent filed with the court before March 27, 2020 can proceed if there is no conflict with state or local laws.
- The PHA or your landlord can still terminate assistance and evict for drug abuse, criminal activity, lease violations, fraud, repeated minor violations, other good cause, etc.
- HUD does not intervene or participate in eviction proceedings. If you feel you are being wrongfully evicted, contact your local legal aid organization or social service agencies. If you are a Voucher participant, you may also contact your local PHA.



<sup>1</sup> Enacted in Section 4024 of the Coronavirus Aid, Relief, and Economic Security Act, 2020 "CARES Act" (Public Law 116-136).

## INFORMATION FOR PUBLIC HOUSING AND VOUCHER TENANTS ON THE EVICTION MORATORIUM

### Q: WHAT IS THE EVICTION MORATORIUM?

Congress recently passed the CARES Act, a new federal law that sets into place an *eviction moratorium* which says that **you cannot be evicted for not paying your rent** until July 25, 2020. You also can't be charged late fees for not paying your rent during this time. You will still have to pay the rent you owe. The eviction moratorium applies to ALL public housing and voucher tenants.

### Q: WHAT HAPPENS AFTER JULY 24, 2020?

Starting on July 25, your landlord or the housing authority can give you a 30-day eviction notice if you have not paid your rent. You may have received a reminder notice from your landlord or the housing authority to pay your rent prior to July 25. A reminder notice is different than an eviction notice.

### YOU MAY BE EVICTED NOW IF:

- The eviction was filed in court before March 27, 2020.
- Your landlord or the housing authority is evicting you for breaking a rule in your rental agreement (other than not paying your rent).
- **If you receive an eviction notice, call your local legal aid office immediately for help!**

### Q: WHAT CAN YOU DO IF YOU ARE HAVING TROUBLE PAYING RENT?

If you or anyone in your household had a change in income for any reason (job loss, reduced hours, etc.), **ask the housing authority to “recertify” your income right away.** Recertifying your income means your rent will be reduced to reflect your new income. See the back of this flyer for examples of how a recertification may be able to help you and your family. **You should also ask the housing authority whether you are eligible for a financial hardship exemption.** Some housing authorities have hardship policies that allow tenants to pay \$0 instead of a minimum rent.

### Q: WHAT IF I HAVE RENT DUE AFTER JULY 24?

**Make sure all recertifications were done properly and that you actually owe the rent due.** Contact your landlord or housing authority if you are going to have trouble paying the rent. Try to work out a repayment plan for any rent that is due. See the back of this flyer for an example of a repayment plan.

### IMPORTANT TAKEAWAYS:

- Ask to pay less rent if you have a change in income.
- You **should still pay your rent if you are able to.**
- There may be other state or local laws that protect you from eviction. You can find out by calling your local legal aid office, tenant association, or bar association.
- Call legal aid immediately if you receive any notices or have questions.

## Examples of How to Address Changes in Your Income

### *Jeffrey, Public Housing Tenant*

Jeffrey is a public housing resident who recently had his hours cut at work. He was paying \$255 per month in rent before his hours were cut. Due to this reduction in hours, his monthly income went from \$850 per month to \$550 per month. Jeffrey can no longer afford \$255 for rent. He contacts his public housing authority and asks that his income be recertified. Jeffrey sends the housing authority a letter from his employer showing the reduced hours. The public housing authority recalculates Jeffrey's rent. After recertification, Jeffrey pays \$165 per month for rent (30% of his income).

### *Mariel, Voucher Tenant*

Mariel is a voucher tenant who recently lost her job and now has no income. Before she lost her job, Mariel was making \$800 per month and she was paying \$240 per month in rent. Mariel immediately asks the housing authority to recertify her income. Mariel can't obtain outside proof of her job loss but her housing authority allows her to fill out a form on the housing authority's website that says she lost her job. After the recertification, Mariel's rent is reduced to the housing authority's minimum rent, which is \$25 per month. However, even \$25 is too much for Mariel, who is out of work. Mariel asks her housing authority whether she is eligible for a financial hardship exemption. It turns out, she qualifies for a hardship exemption so the housing authority waives the \$25 rent and her rent is reduced to \$0. Mariel doesn't even need to get her landlord involved because the housing authority is now paying the full rent on her behalf.

### *Selena, Voucher Tenant*

Selena, a voucher participant, has an income of \$700 per month and pays \$210 per month in rent. However, she had trouble paying her full rent in April and May due to expenses related to a Stay-at-Home order in her city. She was \$100 short for both months. After July 24, Selena owes \$200 in rent to her landlord. She negotiates a repayment plan with her landlord and agrees to pay the landlord \$50 extra dollars per month for the next four months. The repayment plan is reasonable and one that Selena can afford. The housing authority continues to pay its portion of the rent.