

Halt in Evictions to Prevent Further Spread of COVID-19 Declaration of Tenant

What is the Eviction Ban?

If you are an eligible tenant struggling to pay rent, the Centers for Disease Control has issued a ban preventing your landlord from evicting you between September 4, 2020, to December 31, 2020, for failing to pay rent.

What does the Eviction Ban not prevent or cover?

This ban does **not**:

- Relieve you from owing the rent and any late fees that you fail to pay during this period.
- Prevent an eviction for reasons other than nonpayment of rent (e.g. engaging in criminal activity on the premises or damaging the property).
- Prevent a landlord from filing an eviction for nonpayment of rent after December 31, 2020.
- Require the landlord to accept any payment of rent.
- Prevent mortgage foreclosures.

Who is Eligible?

- Anyone who has received a stimulus check from the Federal Government -or-
- Individuals who are not required to pay income taxes in 2019 -or-
- Individuals who expect to earn less than \$99,000 per year or a couple who expects to earn less than \$198,000 per year

-and-

- You need to have used your best efforts to obtain any and all forms of government rental assistance. **This includes applying for rent assistance through MVCAP;**
- You must be experiencing a substantial loss of household income – that may include layoff from work, reduced work hours, or extraordinary out-of-pocket medical expenses;
- You have made your best efforts to pay as much of the rent due as you are able;
- An eviction would likely result in your becoming homeless, and either needing to move into a homeless shelter or having to move in with other people.

What do I have to do?

Provide a copy of the following declaration to your landlord as soon as possible. Keep a copy for yourself and note when and how you provided the declaration to your landlord. A fillable PDF form and a Word document is available here.

What if I'm in the process of being evicted?

If you have received an eviction notice from a court take a copy of the declaration that you

provided to your landlord and file it with the eviction court. The law bans “any action to effectuate an eviction for non-payment of rent,” which means you should be able to stay in your home through the end of the year.

Should I still pay my rent?

Yes. You still owe current rent and **all past due rent and fees.** If you can pay something or all of what you owe, pay this to the landlord.

Where can I find help to pay my rent?

MVCAP may be able to assist you with what you owe the landlord. If you have not already, apply for assistance through MVCAP’s online portal at miamivallycap.org. If you cannot apply online, go to one of our drop-box locations to obtain and submit an application. If you have received court papers or notices to leave the premises, also call us at 937-341-5000 ext. 904 and leave a message.

Drop Box Locations:

- Montgomery County:** 719 S Main Street
Dayton, Ohio 45414

- Greene County:** 469 Dayton Ave.
Xenia, Ohio 45385

- Darke County:** 1469 Sweitzer Street
Greenville, Ohio 45331

- Preble County:** 308 Eaton-Lewisburg Road
Eaton, Ohio 45320

How do I know that MVCAP has accepted me as client?

After applying for our services, MVCAP must receive all required documentation to determine whether you qualify for our services. Until you are notified otherwise, you are not an MVCAP client.

CDC Declaration of Tenant to Halt Eviction for Nonpayment

Instructions:

1. Add your name, address, and your landlord's name and email address to the declaration and sign it. The Word and fillable PDF versions are available on our [website](#), or you may just copy the language below.
2. If you complete the document online or from your phone, type your signature using /s/ before your name. Example: /s/ Tina Tenant.
3. Make a copy of your signed declaration.
4. Email, send via U.S. Mail, or hand deliver this signed declaration to your Landlord in a way that allows you to get proof that the landlord received it.
5. All adults who have signed your lease must provide a separate declaration.

Declaration of Tenant to Halt Eviction pursuant to 28 U.S.C. §1746

Date	
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From:

Name:	
Address:	
City/State/Zip	
Phone #	
Email Address	

Landlord Name:

Name:	
Address:	
City/State/Zip	
Phone #	
Email Address	

Dear Landlord,

To control the spread of COVID-19, the U.S. Department of Health and Human Services, Centers for Disease Control, has issued an order preventing you from evicting me for nonpayment of rent from the above address until after December 31, 2020. I have requested government rent assistance through Miami Valley Community Action Partnership. Once my application is processed, if you are willing to accept payment, you may receive a check for the past-due and future rent directly from MVCAP. To receive payment, you will need to provide a W-9 and complete MVCAP's simple landlord statement.

I certify under penalty of perjury, pursuant to 28 U.S.C. §1746, that the foregoing information is true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing. I have applied to Miami Valley Community Action Partnership for CARES Act rental assistance provided by Montgomery County or provided through Community Services Block Grant (CSBG) funding for Montgomery, Darke, Preble, or Greene County residents.
- I 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), was 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;
- I am unable to pay my 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 out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as circumstances may permit, taking into account my other nondiscretionary expenses;
- If evicted I would likely become homeless and need to move into a homeless shelter or into a new residence shared by other people who live in close quarters because I have no other available housing options.
- I understand that I must still pay rent or make a housing payment and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged and/or collected.
- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and that failure to pay may make me subject to eviction pursuant to state and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

*A typed/electronic signature satisfies legal requirements and is permissible pursuant to Ohio Revised Code §1306.06