



Federal Eviction Ban Order: Explanation, Instructions, and Declaration

updated February 10, 2021

What is the Eviction Ban?

The Centers for Disease Control is stopping some residential evictions for **non-payment of rent** until after March 31, 2021.

However, the landlord can still evict you for other reasons. During this ban you will still owe all past rent and late fees. If you can't pay in full on April 1, 2021, the landlord may then file an eviction. Even if you offer to pay part of what you owe, the landlord does not have to accept partial payment. This ban only covers renters, not homeowners paying a mortgage.

Who is Eligible?

You qualify for protection if you can answer "yes" to **one** of these three questions:

- Did you get a COVID stimulus check from the Federal Government? **-or-**
- Did you not have to file income taxes in 2019? **-or-**
- Will you earn less than \$99,000 per year as a single person or less than \$198,000 per year as a couple?

You must **also** be able to answer, "yes" to **all** these questions:

- Did you try your best to get government rent assistance? **This includes applying for rent assistance through MVCAP; -and-**
- Did you lose most of your household income? That loss could come from layoff from work, a cut back in work hours, or large medical expenses; **-and-**
- Have you tried your best to pay as much of the rent as you can? **-and-**
- Would you become homeless if you were evicted? That means you would have no place to go, would have to move into a homeless shelter, or would have to move into a crowded place with other people.

What do I have to do?

You must fill out a declaration form and give a copy to your landlord. You can email it, send it in a certified mail letter, or hand it to your landlord in person. Keep a copy for yourself and make a note when and how you gave it to your landlord.

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

If you have received a court notice, file a copy of the declaration that you gave your landlord with that court. There is no filing fee.



Should I still pay my rent?

Yes. If you can pay something or all of what you owe, offer this to the landlord.

Where can I find help to pay my rent?

MVCAP might be able to help you pay your rent. Apply online at miamivalleycap.org. If you don't have access to the Internet, go to one of our drop boxes to fill out and submit the application. If you have received court papers or notices to leave the premises, apply online and then email help@mvcap.com with "**Received Eviction Notice**" in the subject line.

Drop Box Locations:

Montgomery County: 719 S Main Street
Dayton, Ohio 45402

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 if MVCAP has accepted me as client?

You have not yet been accepted as an MVCAP client. Our housing specialist will first contact you for additional documentation and begin processing your application. After that, we will let you know whether you are accepted for our services. All new applications are on a waitlist status until further notice.

This document is not intended to be legal advice.



CDC Declaration of Tenant to Halt Eviction for Nonpayment

Instructions:

1. Fill out the form below and sign it. You can also get the form at miamivalleycap.org.
2. Sign the form in person or type your signature using /s/ before your name. Example: /s/ Tina Tenant.
3. Make a copy of your signed declaration.
4. Email, send in a certified letter, or hand deliver this signed declaration to your landlord. Make sure you keep a record of how you gave the declaration to your landlord.
5. All adults who have signed your lease must fill out a separate declaration.
6. **If you falsely sign the CDC Declaration and give it to your landlord, you could go to prison for up to five years and be fined up to \$250,000.**

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 March 31, 2021. 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 2021 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2020 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 March 31, 2021, 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

I gave this declaration to my landlord or their employee on this ____ day of _____, 2021 by:

Handing a copy to my landlord or their employee

Mailing the declaration to my landlord

Emailing a copy of this declaration to my landlord