

DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19 ORDER

This declaration can be used by tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19.

AUTHORITY: Centers for Disease Control and Prevention "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," CDC Agency Order No. 2020-19654 ; Ref: www.federalregister.gov/2020-19654, 85 FR 55292.

EFFECTIVE DATES: 9/4/2020 through 12/31/2020, unless otherwise extended or modified.

Relevant Excerpts from the Order:

Moratorium "This Order is a temporary eviction moratorium to prevent the further spread of COVID-19. This Order does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract. Nothing in this Order precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract."

Exceptions: "Nothing in this order precludes evictions based on a tenant, lessee, or resident: (1) engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents [note: This exception does not apply to COVID-19 patients]; (3) damaging or opposing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to Health & Safety Code; or (5) violating any other contractual obligation, other than the timely payment of rent or similar housing -related payment (including non-payment or late payment of fees, penalties, or interest)."

Criminal Penalties: "Under 18 U.S.C. 3559, 3571; 42 U.S.C. 271; and 42 CFR 70.18, a person violating this Order may be subject to a fine of no more than \$100,000 if the violation does not result in a death or one year in jail, or both, or a fine of no more than \$250,000 if the violation results in a death or one year in jail, or both, or as otherwise provided by law. An organization violating this order may be subject to a fine of no more than \$200,000 per event if the violation does not result in a death or \$500,000 per event if the violation results in a death or as otherwise provided by law. The U.S. Department of Justice may initiate court proceedings as appropriate seeking imposition of these criminal penalties."

Considerations:

- 1. Under the CDC's order, a tenant is to provide a copy of this declaration to the landlord, owner of the residential property where the tenant lives, or other person who has a right to have the tenant evicted or removed from the residence.**
- 2. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration.**

THE COURT WILL NOT GIVE LEGAL ADVICE

These are complex and changing issues of law that are evolving rapidly at every level of Federal and State government. The Court provides this summary information for your reference and convenience. If you have any questions or concerns about your rights, or need help understanding how these laws apply to your situation, consult with an attorney at law.

IN THE MAGISTRATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

_____,)
Plaintiff.)
Address:)
_____))
_____))
Email address:)
_____))
vs.) CASE NO: _____)
_____))
_____))
Defendant)
Address:)
_____))
_____ .)
_____)

**DEFENDANT’S DECLARATION UNDER PENALTY OF PERJURY FOR THE
CENTERS FOR DISEASE CONTROL AND PREVENTION’S TEMPORARY HALT IN
EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19 ORDER**

I, the undersigned, certify under penalty of perjury, pursuant to 28 U.S.C. 1746, that I have provided a declaration and/or or make this my declaration to my landlord, owner of the residential property where I live, or other person who has a right to have me evicted or removed from where I live, and this declaration contains the following statements which are true and correct:

1. I have used best efforts to obtain all available government assistance for rent or housing¹.
2. I either:
 - a. 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),
 - b. was not required to report any income in 2019 to the U.S. Internal Revenue Service, or
 - c. received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act.

¹ “Available government assistance” means any governmental rental or housing payment benefits available to the individual or any household member.

3. 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 extraordinary² out-of-pocket medical expenses.
4. I am using 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.
5. If evicted I 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 I have no other available housing options.³
6. 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 or collected.
7. 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 failure to pay may make me subject to eviction pursuant to State and local laws.
8. 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 _____

Printed Name: _____

Date: _____

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

³ "Available housing options" means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate Federal, State, or local occupancy standards and that would not result in an overall increase of housing cost to you.