

CDC Eviction Moratorium, EHPA and Shallow Rent Program

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CDC EVICTION MORATORIUM

- On September 1, 2020 the Centers for Disease Control announced a national eviction moratorium that applies to many, but not all, tenants.
- The order will be in effect from September 4, 2020 through December 31, 2020. The order does not replace or override stronger state or local eviction protections in place

CDC Eviction Moratorium Order

- The order covers almost all rental properties, including single-family homes, mobile homes and apartments.
- The order bans landlords from evicting tenants for non-payment of rent through the end of 2020, IF the tenants have submitted a declaration of income loss or significant medical expense.

CDC Eviction Moratorium Order

- Once a tenant has sent the declaration to their landlord, no action can be taken to remove or cause the removal of that tenant for non-payment of rent before January 2021. Prohibited actions include serving an eviction notice, filing an eviction lawsuit, or harassing or intimidating a tenant to vacate.
- Tenants cannot be evicted for the non-timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

RENT IS NOT CANCELLED

- The CDC Moratorium does NOT cancel or stop the rent from being due when owed or from accruing.

TENANTS CAN STILL BE EVICTED FOR REASONS OTHER THAN NON-PAYMENT

- A tenant eligible for the moratorium's protections can still be evicted before January for engaging in criminal activity, while on the premises; threatening the health or safety of other residents; or 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).

TENANTS ARE ELIGIBLE FOR PROTECTION IF

- Unable to pay the rent due to income loss or medical expenses
- Either expect to make less in 2020 than \$99,000 individually or \$198,000 as a family, or received a stimulus check or did not have to file a 2019 tax return
- Try, or have tried, to access any government rental assistance funds that may be available
- Agree to make partial rent payments based on what they can afford
- If evicted, would be homeless or would have to move into a crowded or substandard living situation

TENANTS MUST SUBMIT SIGNED DECLARATION TO GET PROTECTIONS

- To get these protections, the tenant — and all adults living in the household — must submit a signed declaration to their landlord stating they are eligible and telling the truth, under legal penalty.
- Tenants should keep a copy of the declaration and all correspondence with the landlord.

CDC DECLARATION

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

- I have used best efforts to obtain all available government assistance for rent or housing.⁽¹⁾

joint tax

- 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 return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic benefit 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⁽²⁾;

may permit,

- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances taking into account other nondiscretionary expenses;

by other

- 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⁾.

- 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.

- 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. 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

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

Philadelphia Emergency Protection Housing Act (EHPA)

- Did you lose your job, lose hours at work, have to stay at home or couldn't find a job because of COVID-19?
- If yes, complete the EHPA COVID-19 Hardship Certification Form and send your landlord immediately.



**CITY OF PHILADELPHIA
FAIR HOUSING COMMISSION**

**EMERGENCY HOUSING PROTECTION ACT
COVID-19 FINANCIAL HARDSHIP CERTIFICATION**

Dear Landlord/Property Manager,

PART I

I, or a member of my household, have experienced a loss of income or increase in expenses between March 1, 2020 and August 31, 2020 due to the COVID-19 pandemic because I, or a member of my household (check all that apply):

- Was diagnosed with COVID-19 or had to self-quarantine due to potential exposure to COVID-19.
- Cannot work or have had to self-quarantine because I/we have a greater risk of harm if COVID-19 is contracted due to a compromised immune system, age, or due to the specific recommendation of a health care professional, the CDC, the Governor of Pennsylvania, the Secretary of Health of Pennsylvania, the Mayor of Philadelphia, or the Health Commissioner of Philadelphia.
- Had to care for a family member due to a diagnosis of COVID-19 or a need to self-quarantine.
- Had to care for a family member due to school, childcare or elder care closure during the pandemic.
- Lost a job or my worksite was temporarily closed.
- Had reduced hours or wages at work.
- Was not employed before March 1, 2020 and was not able to find new employment during this time.
- Had to financially support a family member due to one of the above reasons.

I am notifying you of this COVID-related financial loss to exercise my rights under Section 9-809 of The Philadelphia Code "COVID-19 Emergency Housing Protections" and ask that you (check all that are applicable):

- Waive late fees and interest for March 1, 2020 through May 31, 2021.**
- Engage in mediation prior to beginning eviction proceedings.**
- Enter into a repayment agreement for any back rent owed from March 1, 2020 through August 31, 2020. [NOTE: Tenant Must Fill Out Part II of This Form if Checked]**

I hereby certify that the statements above, and below – if applicable, are true and correct to the best of my knowledge and belief.

I understand that if I knowingly make any false statement herein, I am subject to such penalties as may be prescribed by statute or ordinance.

EHPA PROTECTIONS

- By sending the COVID-19 Hardship Certification Form to your landlord, you have a right to:
- Go to mediation before your landlord files against you in court.
- Waive (cancel) recent late fees.
- Get on a repayment agreement for any rent owed.

COVID-19 Emergency Rental Assistance:

- **Apply for COVID-19 Emergency Rental Assistance: Phase 2 at phlrentassist.org/apply (Philadelphia) or <https://www.phfa.org/pacares/rent.aspx> (all Pennsylvania counties)**
- **Application deadline extended to November 4, 2020**
- Pays up to \$1500 per month in rent for up to 6 months.
- Only households that lost 30% or more of their income due to COVID-19 pandemic are eligible.
- Applications accepted on a first come, first served basis.
- If you applied for Phase 1 and received assistance, you may be eligible for Phase 2 but you must reapply.
- For eligibility information, visit phlrentassist.org/phase-2

SHALLOW RENT PROGRAM

- Temporary COVID-19 rental assistance is available for people living with HIV in Philadelphia area.
- The Philadelphia Department of Public Health's AIDS Activities Coordinating Office (AACO) is funding the program with federal HIV funding
- Philadelphia Health Management Corporation (PHMC) administers the program

Shallow Rent Program Eligibility Requirements:

- Living with HIV and have a current Ryan White certification card
- Experienced a loss of income related to COVID-19
- Rent an apartment or house in Bucks, Chester, Delaware, Montgomery or Philadelphia counties.
- Have a written lease signed by the property's landlord
- Gross household income no more than 500% of federal poverty level
- Not live in public housing or receive any other public rental assistance, like Section 8 or HOPWA
- You do NOT need to have contracted COVID-19 to obtain these benefits
- Preference will be given to applicants on the HOPWA waitlist administered by the Philadelphia Office of Homeless Services

Additional Requirements for Philadelphia Tenants

- Landlords must be current in City of Philadelphia taxes, have a rental license, and not have open, dangerous L&I violations.
- Landlords may be given a period of up to one week to obtain a rental license and/or become compliant with the Philadelphia Department of Revenue.
- PHMC will verify whether there is a rental license, whether the property is tax compliant, and whether the property has any open L&I violations.

Landlord requirements

- Landlords must ensure units are maintained up to local code
- Submit a signed “Landlord Agreement and Acknowledgement Related to the COVID-19 Shallow Rent Emergency Program” to the Medical Case Manager or Housing Counselor (HC)
- Abide by the stipulations delineated in the “Landlord Agreement and Acknowledgement Related to the COVID-19 Shallow Rent Emergency Program”
- If approved, a completed ACH form will be requested by PHMC so that payment can be made via direct deposit to the landlord.

Shallow Rent Program Benefits

- This grant provides temporary, one-time rent relief of at least \$2500 or up to \$5,000. Applicants are still eligible for DEFA assistance up to \$2500 while participating in the shallow rent program.
- Eligible applicants will receive up to six months of rent paid directly to their landlord
- The first grant may cover up to three (3) months of forward rent, not to exceed \$2,500 total for the three (3) month period. Please note that mortgage payments are NOT covered under this program.
- Approved applicants will be reassessed at the end of the initial 3 month assistance period and may be eligible for payments of up to \$2,500 for an additional three (3) month periods, not to exceed to \$5,000 in assistance over the course of a six month period, paid to the landlord of record.

Public Health Management Corporation (PHMC) Shallow Rent application process

- Applicants must submit:
 - Completed application including the signed and dated Consent for Service form and Affidavit
 - Copy of lease signed by landlord and tenant
 - Proof of Ryan White certification
 - Photo identification
 - Income verification in the form of paystubs (or other documentation, if self employed) **WHAT OTHER DOCUMENTATION**
- Scanned documents are allowed if legible
- Applications must be submitted by the assigned medical case manager (MCM) or staff at an AACO-funded agency

Processing Shallow Rent Applications

- All applications are processed through PHMC. Information contained in this application is subject to the confidentiality provisions of PA Act 59.
- Applications must be faxed to 215-985-2099 to the attention of the DEFA Coordinator. Applications may not be submitted by regular mail, express mail or personal delivery.
- Original applications must be kept in applicant's file at the agency.
- Applications will be accepted until funds are exhausted

Processing Shallow Rent Payments

- PHMC will process payments to landlords
- The first payment will be paid within ten business days
- If necessary, PHMC will collect additional income verification information from MCM for approved applicants over the first 90 days after the first payment is processed.

Shallow Rent recertification and continued support

- The assigned MCM or agency staff will recertify approved applicants at least two weeks (and notify PHMC) before the end of the initial 3-month period to determine if they need continued assistance for an additional 3 months.
- The assigned MCM agency staff will recertify approved applicants every 90 days until they have received six months of rent support or \$5,000 whichever occurs earlier.
- After the initial payment, PHMC may need to obtain additional documentation from the MCM for approved applicants to continue to receive assistance.
- While receiving rent assistance, approved applicants must report any changes in household size or income to their assigned case manager.
- Approved applicants should be evaluated by the assigned MCM or agency staff at the termination of the rental assistance to determine whether there is need for a referral to other programs or services.