



WHAT TENANTS NEED TO KNOW ABOUT THE FEDERAL EVICTION 'BAN'

On Sept. 4th, the Centers for Disease Control and Prevention issued an order banning evictions nationwide until Dec. 31st, 2020. This temporary eviction ban does not reduce or eliminate rental payments (tenants are still expected to make full or partial payments during the ban) and it does not prevent landlords from charging late fees.

Renters are not automatically protected by the ban and must 'opt-in' by filling out paperwork.

Not all tenants are protected by the ban and some will remain at risk of eviction.

Michigan's Eviction Diversion Program (EDP) is still offering rental assistance.

Tenants who qualify for and receive assistance through the EDP will be better able to prevent eviction and stay in their homes. *The federal 'ban' will only delay evictions rather than prevent them because the ban offers no financial assistance to tenants who cannot afford to pay their rent.*

To be protected by the ban, you must complete and deliver to your landlord a 'declaration form' that affirms the following is true:

1. You expect to have an earned income less than \$99,000 (individuals) or \$198,000 (joint filers) in 2020, were not required to file federal income taxes in 2019, or received a CARES Act stimulus check in 2020; AND
2. You made "best efforts" to obtain government assistance for rental payments (this includes applying for Michigan's Eviction Diversion Program); AND
3. You are unable to pay your rent because of COVID-19 hardships (e.g., lost income, lay-off or large medical expenses); AND
4. You are making "best efforts" to make timely partial rent payments that are as close to the full payment as your circumstances permit; AND
5. That an eviction would cause you to become homeless or forced to live in close quarters with others because you have no other available housing options.

If you have broken any agreements in your lease (beyond nonpayment of rent), or if your landlord believes you or other tenants in your unit pose to others or the property, you may not be protected.

Detroit's 36th district court will still accept eviction filings from landlords and hold eviction hearings during the ban, but will not issue eviction orders until after December 31st.

If you receive an eviction notice from your landlord or a summons from the court between now and December 31st, you should contact free legal counsel ([866-313-2520](tel:866-313-2520) or DetroitEvictionHelp.com) to apply for rental assistance and apply for protection under the federal ban.

**SEE THE BACK OF THIS FLYER IF YOU
ARE AT RISK OF BEING EVICTED**



WHAT TENANTS NEED TO KNOW ABOUT THE EVICTION PROCESS:

- **Landlords do not have the legal authority to evict tenants – only courts do.** A “7-day notice” (“Demand for Possession”, “Notice to Quit”) is not an eviction order. Changing locks, turning off utilities, or other acts that prevent you from entering or using your rental property are illegal. Only a court officer (bailiff) may remove a tenant and their personal belongings from a rental property. *A legal eviction requires a court order issued by a judge.*
- **Tenants have the right to a court hearing before being evicted, and the power to challenge eviction.** Pay attention to and respond to any notices you receive from the court and attend any hearings that are scheduled. Hearing can take place in person, remotely (online), or by phone. Attending court hearings gives tenants the chance to avoid or delay eviction. *Many eviction cases are won by landlords simply because tenants do not attend their court hearing.*
- **You may qualify for free legal aid and/or assistance paying back owed rent.** A statewide rental assistance fund called the Eviction Diversion Program (EDP) can cover up to 90% of past-due rent for tenants facing eviction. You have the right to seek legal counsel, and having a lawyer can increase your chances of preventing eviction.

Call (866) 313-2520 or visit DetroitEvictionHelp.com to access free legal counsel and to apply for EDP rental assistance.

If your landlord threatens to evict you for falling behind on rent payments:

- 1) Call Detroit’s Eviction Hotline (866-313-2520) and attempt to apply for the EDP.
- 2) If you qualify and if your landlord agrees to cooperate, free legal representatives will assist you and your landlord with reaching an agreement about the amount of past-due rent you will need to pay, and your landlord will receive financial assistance to cover their losses. This will prevent your eviction
- 3) Continue to pay your rent, if you are able. You will not need to apply for protection under the federal ‘ban’.
- 4) If your landlord refuses to cooperate with your attempt to apply for the EDP, applying for protection under the federal ban will delay your eviction until December 31st 2020.

How to apply for eviction protection (a delay until Dec. 31, 2020) under the federal ban:

1. Get the form at: www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf
2. Sign the form and make a copy.
3. Give one copy to your landlord and keep the other for your records.

Regardless of what happens in court, know that there are people willing to stand with you.

Contact Detroit Renter City for support:

detroitrentercity@gmail.com, @Detroitrentercity on Facebook and Instagram.