

Legal Alert: Federal CDC Residential Nonpayment Eviction Moratorium Extended Through October 3

August 6, 2021

On August 3, 2021, the Centers for Disease Control and Prevention ("CDC") extended the federal eviction moratorium, staying *residential non-payment cases only* through October 3, 2021 in "counties experiencing substantial and high levels of community transmission". These areas would cover approximately 90% of the nation's renters, and currently includes all 5 boroughs of New York City, plus Nassau, Suffolk and Westchester Counties. Click for a copy of the [Order](#).

This moratorium is separate from the current New York State eviction moratorium under the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 ("EEFPA"), which is set to expire August 31, 2021. At this time, New York State officials have not given any indication as to whether the State eviction ban will be extended past that date.

The federal moratorium differs from the New York State moratorium, as it places the *burden on the tenant* to submit their own hardship declaration to the landlord and/or the court, as opposed to the State moratorium, which requires landlords to send the tenant a hardship declaration when commencing an eviction case.

Should you have any questions or wish to discuss anything contained in this alert, please contact any of our attorneys.