

**Legal Alert: Housing Court Update Relating to Moratorium on Evictions Ordered  
by CDC**

**September 2, 2020**

The United States Center for Disease Control and Prevention ("CDC") issued an Order which imposes a moratorium on residential evictions through December 31, 2020, effective immediately.

There are many unanswered questions stemming from this Order. We are hoping to obtain clarification in the upcoming days, especially with regard to whether this Order applies to New York State. As the State Legislature passed the "Tenant Safe Harbor Act" and there is currently a directive in place prohibiting the eviction of a tenant residing in the five boroughs through October 1, 2020, we are hopeful that New York will fall within the category of an excluded jurisdiction, which is one that has in effect "a moratorium on residential evictions that provides the same or greater level of public-health protection than the requirements of this Order."

If New York State is not excluded from the terms of the CDC's Order, the key points to be aware of are as follows:

1. A tenant, resident or occupant of a residential property may avail themselves of the protections of this Order if they provide a sworn statement that they are a "covered person" defined as one who (a) has used their best efforts to obtain rental assistance; (b) expects to have individual earnings for 2020 below \$99,000.00 or whose families' earnings will be no more than \$198,000.00; or has received a federal stimulus check; (c) is unable to pay the full rent due to substantial loss of household income, work or extraordinary out-of-pocket medical expenses; (d) is using their best efforts to make timely partial payments of the rent that are close to full payment as circumstances may permit; and (e) if evicted, would likely render the individual homeless or forced to live in a shared living environment.
2. A landlord will be prohibited from pursuing the eviction of a "covered person."
3. Holdover proceedings seeking eviction for any reason other than the payment of rent are permitted.

We will continue to keep you apprised of any developments on this issue and any other issues that may arise in the future.