

Moratorium on Evictions in federally subsidized housing, Stay at Home, & COVID-19 information

Provided in partnership from Idaho Legal Aid Services and the Public Housing Authorities of Idaho.

Recently the federal government passed the CARES Act in response to the COVID-19 Pandemic. This new law imposes a 120-day moratorium on tenant evictions in most federally subsidized housing properties/programs. Tenants in qualifying properties cannot be evicted for nonpayment of rent and cannot be charged late fees until after July 24, 2020. For more information about the CARES Act and Evictions, visit: <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>

Even though evictions are suspended, **rent is still due.**

Here is some general advice:

1. **If you are able to, pay your rent.** We are all in this together and if you can and do pay your rent, it may help your landlord to more easily work with someone who truly can't pay. If you can only pay a portion of your rent, you should contact your landlord to discuss how much you can pay and when you can pay it. If you are able to secure a 'partial payment' agreement, put it in writing. Include these key details: when payments will be made, how much the payments will be, how much will still be owed after each payment, the date of the agreement and the signatures of you and your landlord. You and your landlord should each keep a copy.
2. If you receive rental assistance and your income has decreased, report those changes to the agency that administers your assistance as soon as possible. Your portion of the rent may be decreased as a result. Failure to pay your portion of the rent can be considered a violation of family obligations for which you could lose your assistance.
3. If you need help paying your rent, you can call 2-1-1 to find out about financial assistance programs in your area. If your work hours have been reduced or eliminated, you can apply for **unemployment insurance** online in English or Spanish at <https://www2.labor.idaho.gov/ClaimantPortal/Login>. You can also report to or call your closest Idaho Department of Labor Office.

4. If paying rent is an extreme burden for you, consider contacting your landlord in writing to explain why and request a payment plan. You may ask for a delay or reduction in rent, a stop to rent increases and late fees, a 6-month period for repayment of rent, and the ability to break your lease if necessary. We suggest you add to your letter specific information about why you will have difficulty paying rent. Keep any papers you have about why you are unable to pay rent—for example, if you received a letter or an email about losing your job or working fewer hours.
5. Low income Idahoans can call Idaho Legal Aid Services **Covid-19 Legal Advice Line** at 208-746-7541 for free legal advice about their specific housing situation.

Eviction suspension:

The CARES Act stops covered landlords from filing new eviction cases for nonpayment of rent beginning on March 27, 2020. This protection will continue until July 24, 2020. It also stops those landlords from charging fees and penalties related to nonpayment of rent. When eviction cases are allowed again, covered landlords must give tenants 30 days' notice to vacate (lease) the home before filing an eviction case.

The Act does not cover the following eviction cases:

- Evictions that were filed before March 27, 2020, or after July 24, 2020;
- Tenants who live in properties that are not covered by the act; and
- Evictions for reasons other than nonpayment of rent (such as termination of tenancy or for violations of lease terms);

There may be cases where landlords don't give a reason for the eviction. However, covered tenants who believe their eviction is even partially related to nonpayment of rent should bring up the CARES Act as a defense.

If your property is not covered by the CARES Act or if the eviction is for a reason other than nonpayment, then the CARES Act moratorium does not apply and your landlord can file an eviction against you. However, based on restrictions on the types of hearings that are being held in state court, it is possible that the eviction proceeding will be delayed. If you are served with a summons and complaint for an eviction action, you should contact a lawyer immediately.

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Stay at Home order. For more information about Idaho's Stay at Home order please see:

- Stay At Home Order: https://coronavirus.idaho.gov/wp-content/uploads/sites/127/2020/04/statewide-stay-home-order_040220.pdf
- Frequently Asked Questions about the order: https://coronavirus.idaho.gov/wp-content/uploads/sites/127/2020/04/statewide-stay-home-order_040220.pdf

Idaho Legal Aid Services—free and confidential Covid-19 Legal Advice Line. Idaho Legal Aid Services has created an attorney staffed Covid-19 Legal Advice Line to its existing domestic violence, housing and senior legal advices lines. Low income Idahoans and seniors of any income can call 208-746-7541 for services.