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LANDLORD INFORMATION

WHAT THE CDC EVICTION MORATORIUM MEANS FOR LANDLORDS

What does the eviction moratorium do?

The CDC eviction moratorium prohibits a landlord from removing a covered tenant from a residential rental property for non-payment of rent before December 31, 2020.

The CDC prohibits any action by a landlord, owner, or other person to remove or cause the removal of a covered tenant from the residential property for non-payment of rent.

Any action that causes the removal of a covered tenant is defined as an eviction under the CDC's order, except if the residential property is foreclosed on. This includes legal attempts to evict a tenant, such as filing an eviction, and illegal attempts to evict a tenant, such as locking out a tenant.

The CDC eviction moratorium provides only five circumstances when a landlord may evict a covered tenant. A landlord may remove a tenant who is:

- + Engaging in criminal activity on the premises
- + Threatening the health and safety of other residents
- + Damaging or posing an immediate and significant risk of damage to property
- + Violating a health and safety code or regulation
- + Violating a term of the lease, other than non-payment of rent or fees such as late fees

Do covered tenants still have to pay rent?

Yes, the eviction moratorium does not relieve tenants of the obligation to pay rent. Tenants who are not able to pay full the amount of rent should be making partial payments if they are able to do so.

It also does not prohibit a landlord from charging late fees or other charges related to non-payment of rent. However, a landlord cannot evict a tenant for failing to pay the late fees or other charges related to the non-payment of rent.

What properties does the eviction moratorium apply to?

The CDC eviction moratorium applies to all residential rental properties.

When is a tenant covered by the CDC eviction moratorium?

A tenant must meet five requirements to be covered by the CDC eviction moratorium:

1. The tenant cannot pay full rent.

The tenant is covered if they cannot pay full rent due to financial hardship, including loss of income. The hardship does not have to be related to the COVID-19 pandemic.

2. The tenant meets income requirements.

The tenant is covered if they: expect to earn less than \$99,000 in annual income or 2020 or no more than \$198,000 if filing a joint tax return; or were not required to report any income in 2019 to the IRS; or received an Economic Impact Payment (stimulus check) under the CARES Act.

3. The tenant is making their best effort to pay rent.

The tenant should be making their best effort to make partial payments as their circumstances allow. If a tenant's circumstances do not allow them to make partial payments, they can still meet this requirement.

4. The tenant must make their best effort to obtain all available government assistance for rent and housing.

The tenant should try to obtain all available assistance. Tenants can call 2-1-1 for emergency rental assistance.

5. The tenant has no other available housing.

The tenant is covered if an eviction would likely make them homeless, force them into a congregate living situation (such as a homeless shelter), or force them into a shared living situation (such as sleeping on a friend or family member's couch.) Housing is only considered "available" if it is unoccupied, safe, and will not increase the tenant's housing costs.

What must a tenant do if they are covered?

If a tenant is covered, they must sign a declaration under oath stating that they are covered and give you a copy of the signed declaration.

What happens if a landlord violates the CDC eviction moratorium?

A landlord who violates the CDC eviction moratorium is subject to criminal penalties, including fines and jail time. Violations will be prosecuted by the United States Department of Justice.

An individual landlord violating the order may receive:

- + A fine of up to \$100,000, one year in jail or both
- + If the violation results in a death, the fine can be increased to up to \$250,000

An organization violating the order may receive:

- + A fine of up to \$200,000 per violation
- + If the violation results in a death, the fine can be up to \$500,000 per violation

I'm struggling to pay my bills because my tenant isn't paying rent. What can I do if I cannot evict them?

Request Mediation: You can request free mediation services from the Early Settlement Mediation Program to resolve disputes with your tenant, including non-payment of rent. Call (918) 596-7786 or complete an intake form available at: <https://bit.ly/2YXQrH2>

Apply for Rental Assistance:

- + Landlords can apply for Oklahoma and Tulsa County emergency rental assistance by calling (918) 236-0949 or visiting <http://tulsahousing.nanmckay.com>
- + Landlords can find out about additional rental assistance programs by calling 2-1-1 or visiting <https://csctulsa.org/211eok>