

New Mexico Legal Aid

Advancing Fairness and Justice for All || Free Legal Aid in New Mexico



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EVICTIONS HALTED by order of the Centers for Disease Control

!! EVICTIONS HALTED !!

The United States Centers for Disease Control (CDC) have ordered a halt to most evictions for nonpayment until December 31, 2020.

Albuquerque Journal headlines on 9/5/2020: Confusion reigns over eviction order, quoting New Mexico Legal Aid staff actions.

Read on for what to do.

If you owe rent, damage deposit, late fees or other charges to your landlord, and you are unable to pay, you can

1. Download, complete and sign the CDC's DECLARATION,

- Download the English version
- Descarga la versión en español

1. Give a copy to your landlord, and
2. **Keep a copy for yourself.**

Your signature to this declaration is under penalty of perjury. Do not sign unless each of the statements is true. (You can read what each statement says below.)

After you give the declaration to the landlord:

- they are not allowed to take any action to evict you for nonpayment,
- they cannot serve you with an eviction notice,
- they cannot file an eviction complaint in court,
- they cannot ask a judge or sheriff to evict you.

If your landlord files in court:

- Download and complete the MOTION,
- Make a copy of the DECLARATION to send to the landlord, and

- File the **MOTION & DECLARATION** with the court.
- Give a **COPY** to the landlord.
- Make sure you **CALL IN TO THE COURT** for your hearing.
- If you do not call in, you are likely to be evicted.

If your landlord takes any action to evict you for nonpayment after you have given them the declaration:

- It is a federal crime.
- Contact the US Attorney's Office at (505) 346-7274 (Albuquerque) or (505) 346-7296 (Las Cruces) to report the landlord.
- We do not know if the US Attorney will actually enforce the criminal penalties, but we would like them to know of all violations.

CONTENTS OF THE DECLARATION

You must certify under penalty of perjury, as stated in 28 U.S.C. 1746, that the following are true and correct:

Certifico bajo pena de perjurio, de conformidad con 28 USC 1746, que lo siguiente es verdadero y correcto:

I have used best efforts to obtain all available government assistance for rent or housing (including any governmental rental or housing payment benefits available to the individual or any household member);

Yo he hecho todo lo posible para obtener toda la asistencia gubernamental disponible para alquiler o vivienda (Asistencia gubernamental disponible" significa cualquier beneficio gubernamental de pago de alquiler o vivienda disponible para el individuo o cualquier miembro del hogar);

I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return),

Espero ganar no más de \$ 99,000 en ingresos anuales para el año calendario 2020 (o no más de \$ 198,000 si presento una declaración de impuestos conjunta)

I was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;

O no estoy obligado(a) a reportar ningún ingreso en 2019 al Servicio de Impuestos Internos de EE. UU., O recibí una Pago de Impacto (cheque de estímulo) de conformidad con la Sección 2201 de la Ley CARES;

I am unable to pay full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses (An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year);

No puedo pagar el alquiler completo o hacer el pago completo de la vivienda debido a una pérdida sustancial de ingresos familiares, pérdida de horas de trabajo o salarios compensables, despidos o gastos extraordinarios médicos fuera de bolsillo (

Un gasto médico “extraordinario” es cualquier gasto médico no reembolsado que probablemente exceda el 7.5% de los ingresos brutos ajustados del año.)

I am using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may permit, taking into account other nondiscretionary expenses; *Estoy haciendo todo lo posible para hacer pagos parciales que estén lo más cerca posible del pago total como lo permitan las circunstancias personales, teniendo en cuenta otros gastos que no son discrecionales;*

If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options. (“Available housing” means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate Federal, State, or local occupancy standards and that would not result in an overall increase of housing cost to you.)

Si me desalojan, probablemente me quedaría sin hogar, necesitaría mudarme a un refugio para personas sin hogar o necesitaría mudarme a una nueva residencia compartida por otras personas que viven en espacio limitado porque no tengo otras opciones de vivienda disponibles (“Vivienda disponible” significa cualquier propiedad residencial desocupada disponible u otro espacio para ocupación en cualquier vivienda estacional o temporal, que no violaría los estándares de ocupación federales, estatales o locales y que no resultaría en un aumento general del costo de la vivienda para usted.)

I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under your tenancy, lease agreement, or similar contract.

Entiendo que todavía debo pagar el alquiler o hacer un pago de vivienda, y cumplir con otras obligaciones que pueda tener bajo mi arrendamiento, contrato de arrendamiento o contrato similar.

I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

Además, entiendo que las tarifas, multas o intereses por no pagar el alquiler o hacer un pago de la casa a tiempo según lo requiera mi arrendamiento, contrato de arrendamiento o contrato similar aún se pueden cobrar o recoger.

I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to State and local laws.

Además, entiendo que al final de esta suspensión temporal de los desalojos el 31 de diciembre de 2020, mi proveedor de vivienda puede exigir el pago total de todos los pagos no realizados antes de y durante la suspensión temporal y la falta de pago puede hacerme sujeto a desalojo de conformidad con a las leyes estatales y locales.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Entiendo que cualquier declaración u omisión falsa o engañosa puede resultar en acciones penales y civiles por multas, sanciones, daños o encarcelamiento.

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<http://www.newmexicolegalaid.org/node/249/evictions-halted-order-centers-disease-control>

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