

What To Do If You Can't Pay Your Rent

Niv Bavarsky for NPR

Staying at home is hard to do if you don't *have* a home.

And with millions of Americans [out of a job and struggling to pay rent](#), the risk of widespread homelessness is very real.

That's why many tenants and housing advocates welcomed the news of a temporary [federal moratorium on evictions](#), which went into effect last week after an order from the Centers for Disease Control and Prevention.

As with any federal rule, there's lots of fine print. If you're behind on your rent or don't think you'll make it this month, here's what you need to do.

1. Determine whether you qualify under the moratorium.

For the moratorium to protect you from eviction through Dec. 31, 2020, each individual on a lease must certify that the following points are true, under penalty of perjury.

- You've tried your best to get government help for rent or housing.
- You don't expect to earn more than \$99,000 this year (or double that, if you're filing as a couple).
- You're doing your best to make the payments that you can.
- You can't pay rent because of loss of income, loss of work or big medical bills.
- If you got evicted, you would become homeless — or you'd move into shared, close quarters.
- You understand that you must still make rent.
- You understand that after the order ends on Dec. 31, your landlord can ask for all missed payments and evict you.

If you're able to certify each of these points, you must sign a declaration and provide it to your landlord or property owner.

[You can find the form at](#)

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

There's still a strong chance that landlords or housing groups will challenge the order in court. Until then, "[the moratorium] doesn't apply if there is an existing state or local moratorium that is more broad or more expansive," says Natalie Maxwell, the director of advocacy and litigation at Three Rivers Legal Services in north Florida. If your state already offers more protections against evictions, they still stand. (Princeton University's Eviction Lab [tracks state eviction protections here.](#))

Resources For Help

- Here's the [CDC declaration to sign](#) and provide to property owners if you qualify for the moratorium.
- Princeton University's Eviction Lab keeps track of [eviction policies in each state](#) during the coronavirus pandemic.
- [LawHelp.org](#) can help you find free legal services in your area.
- The National Low Income Housing Coalition keeps a [database of COVID-19 emergency assistance programs](#) in states and localities.
- Just Shelter has a [database of community resources](#) — including housing assistance and tenant associations.

And this order protects tenants from eviction only if they haven't paid their rent. If you've violated your lease in another way, you could still be evicted.

Even if the order applies to you, "pay the rent if you can," says Jeniece Jones, executive director of Housing Opportunities Made Equal of Greater Cincinnati. "This is not rent forgiveness." In other words, rent is still due sooner or later.

2. Identify emergency funds that can help you pay.

Cities, counties and states have various funds specifically set aside for emergency rental assistance during the coronavirus pandemic.

"Identify the programs that you might qualify for and apply for them," says Maxwell.

The National Low Income Housing Coalition maintains a [database of COVID-19 emergency assistance programs](#) in states and localities.

Just Shelter maintains a [database of community resources](#) — including housing assistance and tenant associations.

3. Communicate with your landlord.

If you know you'll have trouble paying rent, housing advocates recommend approaching your landlord to let the landlord know you're struggling, so you can settle on an arrangement that works for both of you.

If you don't communicate, "that raises the temperature on the entire situation," says Jones in Cincinnati.

Make sure any agreement you make is in writing, and keep a log of the payments you make, including the dates and the amount paid.

"Stick to the agreement if at all possible," Jones says.

4. Seek legal help.

If you're wary of approaching your landlord to work out an agreement — or if your conversations go south — it's time to get some help. Local legal aid programs can be an advocate for you in conversations with a property owner. (So can housing advocates, like Housing Opportunities Made Equal.)

When eviction proceedings make it to court, "there's a vast difference in results for those residents who are represented by an attorney versus those residents who go into the eviction hearing and try to represent themselves," says Bridgett Simmons of the National Housing Law Project.

<http://kyjustice.org/>

5. Know your rights.

Even when the country isn't in the middle of a pandemic, eviction rules differ across states and jurisdictions. The rules in your county might differ from the rules in the county next door.

Attorneys can help you understand your rights or whether an existing state or local moratorium is already more protective than the CDC moratorium, Simmons says.

Even if you are protected, property owners may try to evict you with "self-help evictions" — forcing you out with other tactics. Sometimes landlords turn off utilities, change locks or harass tenants. Self-help evictions are illegal in most places.

"In most jurisdictions, landlords can't just change the locks and then put your stuff out on the street without first getting a judicial order for possession of the unit," Simmons says.

An attorney can help you understand how to respond.

6. Don't give up.

It's demoralizing to be behind on rent, especially on top of every other challenge the pandemic brings with it.

If you're having trouble getting through to your local government to apply for housing assistance or if you find yourself on hold for hours, Maxwell at Three Rivers Legal Services says don't stop trying. Attorneys and housing advocates are standing by and want to help.

Bonus tip, courtesy of Natalie Maxwell: If you don't normally file taxes, do it this fall.

If you don't normally file taxes, you probably missed out on your stimulus check this year. You can use the [IRS non-filer tool](#) to input your information by Oct. 15 to receive one.