

Information for Tenants

NOTE: The information provided by Legal Aid of Nebraska is for informational purposes only. You should not rely solely upon this information in regard to you and your unique circumstances. You should always consult with an attorney regarding the laws and your rights. As the COVID-19 public health situation changes and evolves, different branches of our government will continue to issue new laws and regulations. While Legal Aid of Nebraska strives to keep the information on this page up to date, the information provided here may change on a day-to-day basis.

Information for Tenants

Have evictions stopped in Nebraska?

At this time, evictions have not stopped in Nebraska.

I heard there was a new federal order that stops evictions, is this true?

Yes, the CDC issued an order halting residential evictions for non-payment of rent if certain conditions are met. The tenant needs to sign a [declaration](#) and send it to their landlord. You can find information about the CDC Order related to evictions, [HERE](#).

Does the CDC Order apply to all evictions?

No, it only applies to evictions for non-payment of rent.

Does the CDC Order apply to certain rental properties?

The Order applies to all residential rental properties.

What tenants are covered by the CDC Order?

A tenant must sign a declaration that they meet the following criteria to be covered by the Order:

- The tenant has used their best efforts to obtain government assistance for rent or housing;
- The tenant expects to earn less than \$99,000 in annual income for 2020, was not required to report income in 2019 to the IRS, or the tenant received an Economic Income Payment (stimulus check);
- The tenant is unable to pay rent due to a substantial loss in household income or extraordinary out-of-pocket medical expenses;
- The tenant is using best efforts to make a timely full or partial rent payments;
- The tenant would likely become homeless, need to move to a homeless shelter, or move into a new residence shared by other people living in close quarters if evicted;
- The tenant understands they are still responsible to fulfill the terms of the lease, including rent due under the lease and any fees or penalties for not paying timely rent; and

- The tenant understands the eviction moratorium is only through December 31, 2020 and if rent is not paid prior to that date, the tenant may be evicted after December 31, 2020.

Additionally:

- The tenant and every adult must sign a declaration in order to prevent eviction.
- The tenant is signing the declaration under penalty of perjury, and any false information can result in criminal prosecution.

Where is the declaration that I can complete?

You can find a declaration to fill out [HERE](#).

After I complete the declaration, what do I do?

You need to provide the declaration to you landlord. You should keep a copy of the declaration you provide to your landlord along with noting the date it was provided.

I have questions about the CDC order or what I need to do, can I apply for Legal Aid?

Yes. Please call Legal Aid toll-free at 1-844-268-5627.

I have received a notice from my landlord or I have been sued for eviction in court by my landlord, can I apply for Legal Aid?

Yes. Please call Legal Aid toll-free at 1-844-268-5627.

What if I need to go to court for a hearing?

Due to the COVID-19 disease certain courthouses have limited public access. Before you attend or visit the courthouse for any matter, you should call the county court clerk's office for information regarding access to the courthouse and their COVID-19 procedures. Here is a [link](#) to the contact information for every county court clerk's office.

Should I go to court if I am showing signs of illness, have to self-quarantine, have been diagnosed with COVID-19, or have travelled to a state or country at greater risk of exposure to COVID-19?

NO. If you have **any** symptoms of illness **or** if a medical provider or public official has ordered to you self-quarantine **or** if you have COVID-19 **or** have had contact with someone diagnosed with COVID-19 **or** have traveled to a high risk country as indicated by the CDC, you **must** call the court before attending your hearing or visiting the courthouse. For more guidance, you can

use this [link](#) to view the Orders of the Chief Justice of the Nebraska Supreme Court regarding COVID-19 symptoms and court attendance along with other orders from different courts. The Nebraska Supreme Court has a [link](#) to every county court clerk's office in Nebraska, where you can find the telephone number to call before you attend any court hearing. If you have any COVID-19 symptoms or have potentially been exposed to COVID-19, you **must** call the county court clerk before going to the courthouse.

Can I file a motion to continue my court hearing due to the COVID-19 pandemic?

Yes. If you are concerned about you or a member of your household about potential exposure to COVID-19 or if you or a member of your household has been affected by COVID-19 or have symptoms of illness, you can request the court continue your hearing. You can apply for assistance from Legal Aid of Nebraska by calling 1 (844) 268-5627 as soon as you receive court papers. When you call, please leave a message with your name, a telephone number where we can reach you, and a statement that your landlord is evicting you. **There is a sample motion to continue, sample proposed order to continue, and instructions on how to file the motion available on Legal Aid's website.**

The court needs to decide whether your hearing will be continued. Unless you get an order or notice from the court that your hearing is continued, your court hearing will take place as scheduled.

What if I am having trouble paying rent?

If you are having trouble paying your rent, there may be resources available in your community to help. Call 211 to obtain information on possible community resources to help. You can also visit the 211 Resource Hotline online at <https://www.unitedwaymidlands.org/2-1-1/>.

If you have lost your job, have had to take time off from work because you are sick or need to care for a family member, have had to take an unpaid leave of absence, you may be able to apply for Unemployment Benefits. The Nebraska Department of Labor has information regarding employment and COVID-19, which you can find [here](#). For more information on how to apply for unemployment benefits, visit the [Department of Labor's Unemployment Insurance Benefits page](#). Legal Aid has prepared information related to Unemployment Insurance Benefits and other information for employees. **There is also information for employees prepared by Legal Aid available on Legal Aid's website.**

Can my landlord evict me for having or being suspected of having COVID-19?

No. Landlords can only evict you for reasons outlined in the Nebraska Uniform Residential Landlord and Tenant Act, which governs most evictions in Nebraska.

Tenants Living in Properties with FHA-Insured Mortgages

On June 17, 2020, the U.S. Department of Housing and Urban Development put in place a halt on all foreclosures and evictions on Federal Housing Administration (FHA) single family insured

mortgages through August 31, 2020. **This moratorium only applies to single-family properties with mortgages insured by the Federal Housing Administration (FHA)**, a part of HUD that insures home loans made by FHA-approved lenders.

The moratorium not only prevents new foreclosure and eviction actions but also suspends all foreclosure and eviction actions currently in process.

This decision does not apply to any other federally subsidized housing.

For more information, please review the [HUD Mortgagee Letter 2020-04 dated March 18, 2020](#) and [HUD Press Release](#).