

**TEMPORARY HALT IN RESIDENTIAL
EVICTIONS TO
PREVENT THE FURTHER SPREAD OF COVID-19**
Request for OMB approval of a Reinstatement with Change (0920-1303)

August 5, 2021

Supporting Statement A

Contact:

Jeffrey M. Zirger
Centers for Disease Control and Prevention
1600 Clifton Road NE, MS H16-4
Atlanta, Georgia 30329-4027
Phone: (770) 488-4552
Email: cko1@cdc.gov

Contents

A. Justification.....	3
1. Circumstances Making the Collection of Information Necessary.....	3
2. Purpose and Use of Information Collection.....	4
3. Use of Improved Information Technology and Burden Reduction.....	6
4. Efforts to Identify Duplication and Use of Similar Information.....	6
5. Impact on Small Businesses or Other Small Entities.....	6
6. Consequences of Collecting the Information Less Frequently.....	7
7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5.....	7
8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency.....	7
9. Explanations of Any Payment or Gift to Respondents.....	7
10. Assurance of Confidentiality Provided to Respondents.....	7
11. Justification for Sensitive Questions.....	8
12. Estimates of Annualized Burden Hours and Costs.....	8
13. Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers. . .	12
14. Annualized Cost to the Government.....	12
15. Explanation for Program Changes or Adjustments.....	12
16. Plans for Tabulation and Publication and Project Time Schedule.....	12
17. Reason(s) Display of OMB Expiration Date is Inappropriate.....	12
18. Exceptions to Certification for Paperwork Reduction Act Submissions.....	12

**Extending Temporary Halt in Residential Evictions to Prevent the Further Spread of
COVID-19
Request for OMB Approval of an Emergency Clearance Request
Supporting Statement A**

- **Goal of the study:** The goal of this information collection is for tenants, lessees, or residents of residential properties to provide a copy of the declaration to the landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed.
- **Intended use of the resulting data:** The information will not be collected by CDC nor will the data be used or maintained at the federal, state, or local levels. The form will serve as an attestation by a tenant, lessee, or resident that they meet the criteria therein to prevent an eviction proceeding per the order issued by the CDC (THE CENTERS FOR DISEASE CONTROL AND PREVENTION’S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19). The declaration form must be provided to the landlord, owner of the residential property, or other person who would otherwise maintain the right to have the individual evicted or removed.
- **Methods to be used to collect:** Tenants, lessees, or residents of residential properties will complete the declaration developed by CDC.
- **The subpopulation to be studied:** The respondent universe for this information

CDC is requesting an emergency clearance for this information collection for 180 days.

A. Justification

1. Circumstances Making the Collection of Information Necessary

The Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Division of Global Migration and Quarantine (DGMQ) requests an emergency 180-day approval for a new information collection.

To respond to this public health threat, the Federal, state, and local governments have taken unprecedented or exceedingly rare actions, including border closures, restrictions on travel, stay-at-home orders, mask requirements, and eviction moratoria. Despite these best efforts, COVID-19 continues to spread.

New variants of SARS-CoV-2 have emerged globally,¹ several of which have been identified as variants of concern,² including the Alpha, Beta, Gamma, and Delta variants. These variants of concern have evidence of an increase in transmissibility and more severe disease, which may lead to higher incidence, hospitalization, and death rates.³ Furthermore, findings suggest variants

¹ Abdoool Karim SS, de Oliveira T. New SARS-CoV-2 Variants - Clinical, Public Health, and Vaccine Implications [published online ahead of print, 2021 Mar 24]. *N Engl J Med*. 2021;10.1056/NEJMc2100362. doi:10.1056/NEJMc2100362

² *Id.*

³ Dougherty K, Mannell M, Naqvi O, Matson D, Stone J. SARS-CoV-2 B.1.617.2 (Delta) Variant COVID-19 Outbreak Associated with a Gymnastics Facility — Oklahoma, April–May 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1004–1007. DOI: <http://dx.doi.org/10.15585/mmwr.mm7028e2> (describing a B.1.617.2 (Delta) Variant

may reduce levels of neutralization by antibodies generated during previous infection or vaccination, resulting in reduced effectiveness of treatments or vaccines, or increased diagnostic detection failures.⁴

Currently, the Delta variant is the predominant SARS-CoV-2 strain circulating in the United States, estimated to account for over 82% of cases as of July 17, 2021.⁵ The Delta variant has demonstrated increased levels of transmissibility compared to other variants.⁶ Furthermore, early evidence suggests that people who are vaccinated and become infected with the Delta variant are able to transmit the virus to others.⁷

CDC is also aware of a rising number of breakthrough SARS-CoV-2 infections⁸ in vaccinated individuals. Even without variants of concern, more vaccine breakthrough cases are to be expected due to the rising number of vaccinated individuals. A large outbreak of Delta variant in Massachusetts in early July 2021, showed high numbers of vaccine breakthrough cases.⁹

Transmission of the Delta variant has led to a rapid acceleration of community transmission in the United States. CDC recommends assessing the level of community transmission using, at a minimum, two metrics: new COVID-19 cases per 100,000 persons in the last 7 days and percentage of positive SARS-CoV-2 diagnostic nucleic acid amplification tests in the last 7 days. For each of these metrics, CDC classifies transmission values as low, moderate, substantial, or high. As of August 1, 2021, over 80% of the U.S. counties were classified as experiencing high or substantial levels of community transmission.¹⁰ In areas of substantial or high transmission, CDC recommends community leaders encourage vaccination and universal masking in indoor public spaces in addition to other layered prevention strategies to prevent further spread. Furthermore, studies suggest that even jurisdictions without substantial or high COVID-19 transmission might consider expanding prevention strategies, including masking in indoor public settings regardless of vaccination status, given the potential risk of infection during attendance at

COVID-19 outbreak associated with a gymnastics facility and finding that the Delta variant is highly transmissible in indoor sports settings and households, which might lead to increased incidence rates).

⁴ *SARS-CoV-2 Variant Classifications and Definitions*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/variants/variant-info.html#Concern> (last updated June 29, 2021).

⁵ *Variant Proportions*, Centers for Disease Control and Prevention, <https://covid.cdc.gov/covid-data-tracker/#variant-proportions> (citing data for the two-week interval ending July 17, 2021).

⁶ *About Variants of the Virus that Causes COVID-19*, Centers for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/variants/variant.html> (last updated June 28, 2021).

⁷ Riemersma et al. Vaccinated and unvaccinated individuals have similar viral loads in communities with a high prevalence of the SARS-CoV-2 delta variant. Pre-print. Available at: [Vaccinated and unvaccinated individuals have similar viral loads in communities with a high prevalence of the SARS-CoV-2 delta variant | medRxiv](#)

⁸ A vaccine breakthrough infection is defined as the detection of SARS-CoV-2 RNA or antigen in a respiratory specimen collected from a person ≥ 14 days after receipt of all recommended doses of an FDA-authorized COVID-19 vaccine. COVID-19 Vaccine Breakthrough Infections Reported to CDC — United States, January 1–April 30, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:792–793. DOI: <http://dx.doi.org/10.15585/mmwr.mm7021e3>.

⁹ Brown CM, Vostok J, Johnson H, et al. Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings — Barnstable County, Massachusetts, July 2021. *MMWR Morb Mortal Wkly Rep*. ePub: 30 July 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7031e2>.

¹⁰ *COVID-19 Integrated County View*, Centers for Disease Control and Prevention, <https://covid.cdc.gov/covid-data-tracker/#county-view> (last updated July 28, 2021).

large public gatherings that include travelers from many areas with differing levels of transmission.¹¹

Eviction moratoria—like quarantine, isolation, and social distancing—can be an effective public health measure utilized to prevent the spread of communicable disease. Eviction moratoria facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19 due to an underlying medical condition. They also allow state and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19. With this new Order, CDC is limiting the applicability to individuals residing in a U.S. county experiencing substantial¹² or high¹³ rates of community transmission levels of SARS-CoV-2 (map with county-level data available here: <https://covid.cdc.gov/covid-data-tracker/#county-view>). Housing stability helps protect public health because homelessness increases the likelihood of individuals moving into congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID-19.

2. Purpose and Use of Information Collection

Tenants, lessees, or residents of residential properties may provide a copy of the declaration to the landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed. The declaration provides notification and attestation on behalf of the submitting party that they have met the necessary criteria to prevent an eviction action in accordance with the CDC order issues in the interest of the public health; it should be given to the landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed. The information collected will be limited to the signature of the tenant, lessee, or resident. Where either party may seek relief from, or in order to pursue, an eviction action, the declaration may be considered by an adjudicating party as part of a basis to grant such relief. The information will not be collected by CDC.

The accompanying Order (THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S EXTENDING THE TEMPORARY HALT IN RESIDENTIAL EVICTIONS TO PREVENT THE FURTHER SPREAD OF COVID-19), and thus this collection, does not apply in any state, local, territorial, or tribal area with a moratorium on residential evictions that

¹¹ Brown CM, Vostok J, Johnson H, et al. Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings — Barnstable County, Massachusetts, July 2021. *MMWR Morb Mortal Wkly Rep.* ePub: 30 July 2021. DOI: <http://dx.doi.org/10.15585/mmwr.mm7031e2>.

¹² Counties experiencing substantial transmission levels are experiencing (1) 50.99-99.99 new cases in the county in the past 7 days divided by the population in the county multiplied by 100,000; and (2) 8.00-9.99% positive nucleic acid amplification tests in the past 7 days (number of positive tests in the county during the past 7 days divided by the total number of tests performed in the county during the past 7 days). Christie A, Brooks JT, Hicks LA, et al. Guidance for Implementing COVID-19 Prevention Strategies in the Context of Varying Community Transmission Levels and Vaccination Coverage. *MMWR Morb Mortal Wkly Rep* 2021;70:1044–1047. DOI: <http://dx.doi.org/10.15585/mmwr.mm7030e2>. See COVID-19 Integrated County View, Centers for Disease Control and Prevention; <https://covid.cdc.gov/covid-data-tracker/#county-view> (last updated August 1, 2021).

¹³ *Id.* (defining substantial transmission levels as (1) ≥ 100 new cases in the county in the past 7 days divided by the population in the county multiplied by 100,000; and (2) $\geq 10.00\%$ positive nucleic acid amplification tests in the past 7 days (number of positive tests in the county during the past 7 days divided by the total number of tests performed in the county during the past 7 days)).

provides the same or greater level of public-health protection than the requirements listed in this Order.

The accompanying Order, and this collection, do not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract. Nothing precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract. The Order and Extension do not prevent a landlord from seeking a hearing, if authorized by State or local law and in accordance with State or local court procedure, to challenge the truthfulness of a declaration

This collection, and the accompanying Order, does not preclude evictions based on a tenant, lessee, or resident: (1) engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents;¹⁴ (3) damaging or posing an immediate and significant risk of damage to property; (4) violating any applicable building code, health ordinance, or similar regulation relating to health and safety; or (5) violating any other contractual obligation, other than the timely payment of rent or similar housing-related payment (including non-payment or late payment of fees, penalties, or interest).

3. Use of Improved Information Technology and Burden Reduction

Covered persons will access this form via CDC's website, read the parameters set forth in the declaration, and sign (using a wet signature on a hardcopy, or electronic signature) the second page to certify the individual understands that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment. The signatory will then provide a copy (hardcopy or electronic) to the appropriate landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed. Through a series of usability test, the CDC has taken measures to reduce the burden of the form and increase technological accessibility to individuals.

4. Efforts to Identify Duplication and Use of Similar Information

CDC has consulted OMB and HUD and with best of CDC knowledge this information is not duplicative.

5. Impact on Small Businesses or Other Small Entities

A precise estimate of the impact of this data collection on small businesses or other small entities is unavailable at this time. However we note that according to the Department of Housing and Urban Development, 48% of the residential rental market is owned by small scale landlords. We also note that a significant number of covered persons seeking prevention of an eviction pursuant

¹⁴ Individuals who might have COVID-19 are advised to stay home except to get medical care. Accordingly, individuals who might have COVID-19 and take reasonable precautions to not spread the disease should not be evicted on the ground that they may pose a health or safety threat to other residents. See *What to Do if You are Sick*, available at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

to the accompanying Order are likely themselves controlling participants or operators of small businesses or other entities likely to experience significant disruption if subject to an eviction proceeding. The net effect of implementation of the policy set forth in the accompanying Order is highly uncertain.

6. Consequences of Collecting the Information Less Frequently

Respondents are expected to complete this Declaration once; collecting less frequently could result in greater evictions.

7. Special Circumstances Relating to the Guidelines of 5 CFR 1320.5

This is a request for emergency processing consistent with 1320.13. This data collection complies with regulation 5 CFR 1320.5.

8. Comments in Response to the Federal Register Notice and Efforts to Consult Outside the Agency

Due to this collection extending beyond the initial period, CDC will publish a 60-day federal register notice soliciting comments from the public.

CDC consulted with Department of Housing and Urban Development (HUD) to confirm that all HUD grantees—states, cities, communities, and nonprofits—who received Emergency Solutions Grants (ESG) or Community Development Block Grant (CDBG) funds under the CARES Act may use these funds to provide temporary rental assistance, homelessness prevention, or other aid to individuals who are experiencing financial hardship because of the pandemic and are at risk of being evicted, consistent with applicable laws, regulations, and guidance. CDC confirmed with the Department of the Treasury that the funds allocated through the Coronavirus Relief Fund may be used to fund rental assistance programs to prevent eviction. Additionally, the CDC has been engaged with the Office of Management and Budget (OMB), HUD, and Federal Trade Commission (FTC) to improve usability and lessen the form's burden.

9. Explanations of Any Payment or Gift to Respondents

No monetary incentives or gifts are provided to respondents.

10. Protection of the Privacy and Confidentiality of Information Provided by Respondents

This information collection request has been reviewed by the National Center for Emerging and Zoonotic Infectious Diseases and it has been determined that the Privacy Act does not apply. The information will not be collected by CDC nor will the data be used at the federal, state, or local levels. The declaration will be for notification purposes only; and should be given to the landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed.

11. Institutional Review Board (IRB) and Justification for Sensitive Questions

IRB Determination

CDC's National Center for Emerging and Zoonotic Infectious Diseases has determined that this project does not meet the definition of research under 45 CFR 46.102(d). IRB review is not required.

Justification for Sensitive Questions

Individuals will certify via the declaration that the foregoing is true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹⁵
- I either had an adjusted gross income in 2019 as reported to the U.S. Internal Revenue Service of no more than \$99,000 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) in 2020 pursuant to the CARES Act;
- I am unable to pay my full rent or make a full housing payment¹⁶ due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary¹⁷ out-of-pocket medical expenses;
- 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;
- 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.¹⁸
- I understand that I must still pay rent, make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or

¹⁵ “Available government assistance” means any governmental rental or housing payment benefits available to the individual or any household member.

¹⁶ This does not include home mortgages.

¹⁷ An “extraordinary” medical expense would be any unreimbursed medical expense likely to exceed 7.5% of one’s adjusted gross income for the year.

¹⁸ “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.

making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.

- 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.

These questions could be considered sensitive. However, the information will not be collected by CDC nor will the data be used at the federal, state, or local levels.

Below are the estimates of the Annualized Burden Hours that CDC is requesting for this emergency request.

In early March 2021, the Census Household Pulse Survey estimated that 6.4 million households were behind on rent and just under half fear imminent eviction.¹⁹ Therefore, the total burden estimated for this collection is 6,400,000 respondents, with approximately 533,333 burden hours.

12 A. Estimates of Annualized Burden Hours

Respondent	Form	Number of Respondents	Number of Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
Tenants, Lessees, or Residents	DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19	6,400,000	1	5/60	533,333
Total					533,333

¹⁹ Census Household Pulse Survey: Key Phase 3 Housing Payment Findings. Office of Policy Development and Research, HUDUser (April 26, 2021). <https://www.huduser.gov/portal/pdredge/pdr-edge-trending-042621.html>

12 B. Estimates of Annualized Cost

There will be no anticipated costs to respondents other than time. Estimates of respondent costs, and Hourly Wage Rates are provided by approximating the hourly wages for Tenants, Lessees, or Residents who make a maximum of \$99,000 annually.

40 hour work week x 52 weeks/year = 2,080 hours / year
 \$99,000 / 2,080 hours = \$47.60 / hour

The estimated total cost is \$138,833,349.

Respondent	Form	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
Tenants, Lessees, or Residents	DECLARATION UNDER PENALTY OF PERJURY FOR THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19	533,333	\$47.60	\$25,386,651
TOTAL				\$25,386,651

13. Estimates of Other Total Annual Cost Burden to Respondents or Record Keepers

There are no costs to respondents other than the time necessary to respond to the information collection.

14. Annualized Cost to the Government

The estimated cost for these activities to the federal government is approximately \$0 because the declaration is filled out by the tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions to prevent the further spread of COVID-19.

15. Explanation for Program Changes or Adjustments

This is a Reinstatement with Change to a previously approved information collection. Changes include a slightly revised Eviction Declaration Form that includes changes to the scope and

eligibility under the revised Order. These changes result in a significant reduction in burden from 2,916,667 estimated burden hours to a new estimate of 533,333 hours.

16. Plans for Tabulation and Publication and Project Time Schedule

CDC has no plans for tabulation or publication. The information will not be collected by CDC or any other Federal agency, nor will the data be used at the federal, state, or local levels. The information will be for notification purposes only and the declaration will be given to the landlord, owner of the residential property, or other person who has a right to have the individual evicted or removed.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

Display of the expiration date is appropriate. No exemption is requested.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.