



Michigan Supreme Court

State Court Administrative Office

Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner
Director

MEMORANDUM

DATE: October 23, 2020

FROM: Rebecca A. Schnelz, Forms and Resources Analyst

RE: Notice of Creation of DC 511, Verification Regarding CDC Eviction Moratorium Declaration

Form DC 511, Verification Regarding CDC Eviction Moratorium Declaration has been created. A brief explanation and a copy of the form are provided below.

For questions, comments, or suggestions about this court form, contact 517-373-5626 or CourtFormsInfo@courts.mi.gov.

***NEW FORM* DC 511, Verification Regarding CDC Eviction Moratorium Declaration**

Most recent update: (10/20) version

Use of existing paper stock: THIS IS A NEW FORM

➤ [Click here to see the form.](#)

This form was created to assist in the implementation of the CDC's Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19, 85 Fed Reg 55292 (September 4, 2020).

NEW FORM

STATE OF MICHIGAN JUDICIAL DISTRICT	VERIFICATION REGARDING CDC EVICTON MORATORIUM DECLARATION	CASE NO. and JUDGE
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no.
Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant's name, address, and telephone no.
Defendant's attorney, bar no., address, and telephone no.

1. I am a landlord, and:

- the tenant in this case has not given me the declaration under the CDC's Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19, 85 Fed Reg 55292 (September 4, 2020) (CDC Order). I will update the court if the tenant gives me a declaration.

OR

- the tenant in this case has given me a declaration, but this case can proceed to eviction because it is based on a tenant (1) engaging in criminal activity while on the premises; (2) threatening the health or safety of other residents; (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).

2. I am a tenant and have given the landlord in this case the declaration under the CDC Order. Note: While you must submit the declaration to the landlord, you may also file this form or a copy of the declaration with the court.

I declare under the penalties of perjury that this verification has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Date

Plaintiff/Defendant/Attorney signature

Print name

NOTE: See page 2 for information from the CDC's Order.

Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19

Summary

Under 42 CFR 70.2, a landlord, owner of a residential property, or other person [footnote omitted] with a legal right to pursue eviction or possessory action, shall not evict any covered person from any residential property in any jurisdiction to which this Order applies during the effective period of the Order.

Definitions

“Covered person” [footnote omitted] means any tenant, lessee, or resident of a residential property who provides to their landlord, the owner of the residential property, or other person with a legal right to pursue eviction or a possessory action, a declaration under penalty of perjury indicating that:

- (1) The individual has used best efforts to obtain all available government assistance for rent or housing;
- (2) The individual either (i) expects 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), [footnote omitted] (ii) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- (3) the individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary [footnote omitted] out-of-pocket medical expenses;
- (4) the individual is 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; and
- (5) eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

“Evict” and “Eviction” means any action by a landlord, owner of a residential property, or other person with a legal right to pursue eviction or a possessory action, to remove or cause the removal of a covered person from a residential property. This does not include foreclosure on a home mortgage.

Applicability

Nothing in this Order precludes 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; [footnote omitted] (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).

Effective Date

This Order is effective upon publication in the Federal Register and will remain in effect, unless extended, modified, or rescinded, through December 31, 2020.