

# South Dakota Emergency Rental Assistance

On August 3, 2021 the United States Center for Disease Control and Prevention (CDC) issued a nationwide order halting eviction actions through the end of year. This is extending the order issued on September 1, 2020. However, the August 3, 2021 order is for counties that are substantial or high levels of community transmission of COVID-19.

## Who qualifies?

This order only applies to renters. It does not apply to foreclosures on home mortgages. To qualify for the protection, you, a renter, must provide a written certification stating the following:

1. You have done everything to get any and all government assistance for rent or housing assistance.
2. You must state that one of the following has occurred:
  - a. Your income is expected to be less than \$99,000 in 2021, or \$198,000 if filing a joint tax return; or
  - b. You were not required to report any income to the IRS in 2020; or
  - c. You received a stimulus check (Economic Impact Payment) under the CARES Act.
3. You must state that you are unable to pay the full rent due to a big loss of income in the household, lost many work hours or pay, you were part of a lay-off, or had extraordinary out-of-pocket medical expenses.
4. You must do your best to pay as much rent as possible on time as your circumstances allow.
5. You must state that if evicted, they have no other available housing options available and would likely become homeless or need to move into a new residence (homeless shelter) shared by other people who live in close quarters.
6. You must live in a County or community that is experiencing high or substantial rates of community transmission levels as defined by CDC. To view the current counties, visit: <https://covid.cdc.gov/covid-data-tracker/#county-view>

## How do I apply?

You must fill out a declaration form, which can be found online at:

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

You need to supply the reasons above in form to the landlord. The written statement does not have to be this form, it could be a writing including all the information above.

**BE SURE TO KEEP A COPY FOR YOUR OWN RECORDS.**



## What if I applied before?

If a Renter has provided a written form or statement to a landlord prior to the order and the information is the same, then a new statement is not needed.



## Do I still have to pay rent?

The order does not stop any rent payments, and you must continue to pay rent. In addition, this order does not stop landlords

from charging or collecting fees, penalties, or interest as a result of a renter's failure to pay rent. These fees will generate as outlined in the lease agreement. Once the moratorium expires, you will owe any unpaid rent as well as all penalties and interest.



***You must continue to pay rent!***

## Can I still be evicted?

This Order only applies to those who meet the qualifications outlined above. It does not apply to those who:

- Do not qualify for the protection for any reason;
- Have committed criminal activity on the premises;
- Have threatened the health or safety of other tenants;
- Have damaged the property;
- Have violated building codes or health ordinances related to health and safety; or
- Have violating any of the terms of the lease other than the timely payment of rent.



## Apply online for additional assistance

[www.sdlawhelp.org/apply](http://www.sdlawhelp.org/apply)



## Additional Assistance

If you have questions about the above or need assistance, please apply online for services at: [www.sdlawhelp.org/apply](http://www.sdlawhelp.org/apply) If you have filled out an application and need immediate assistance, please call the legal service agency in your area.

EAST RIVER LEGAL SERVICES  
(605) 336-9230  
(877) 870-1250

DAKOTA PLAINS LEGAL SERVICE  
(605) 856-4444  
(800) 658-2297

SOUTH DAKOTA ACCESS TO JUSTICE  
(855) 287-3510

