

IN THE COUNTY COURT OF THE ELEVENTH
JUDICIAL CIRCUIT IN AND FOR MIAMI DADE
COUNTY, FLORIDA

[insert name of Landlord]
Plaintiff,

CIVIL DIVISION

vs.

Case No. _____
[insert case number assigned by
Clerk of the Court]

[insert name of Tenant]
Defendant.

_____ /

**VERIFICATION OF APPLICABILITY OF SECTION 4024 OF THE CARES ACT
IN RESIDENTIAL EVICTIONS FOR NON-PAYMENT OF RENT
(DECLARATION UNDER PENALTY OF PERJURY)**

My name is: _____,
First Middle Last

and I am the legal owner of the property that is the subject of the eviction case described at the top of this page. I am capable of making this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

I verify that the property that is the subject of this eviction action (*check one*):

is a “covered dwelling” as defined by Section 4024(a)(1) of the CARES Act.

or

is not a “covered dwelling” as defined by Section 4024(a)(1) of the CARES Act.

(“covered dwellings” include property that is occupied by a tenant pursuant to a residential lease and has a Federally backed mortgage loan or a Federally backed multifamily mortgage loan, but see section 4024 of the CARES Act for a full definition of “covered dwelling,” a copy of which is attached to this form.)

In this eviction action, Plaintiff is seeking to recover possession of the following property:

Name of Apartment Complex (if any)

Street Address & Unit No. (if any) City County State ZIP

FORM CONTINUED ON NEXT PAGE

If I have indicated above that this property is not a “covered dwelling” as defined by Section 4024(a)(1) of the CARES Act, the facts on which I base my conclusion are as follows.

(Please identify which database or the other information you have used to determine that the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan.)

(If the property does not have a federally backed mortgage loan or federally backed multifamily mortgage loan, please state whether (1) the property is a Low Income Housing Tax Credit (LIHTC) property, (2) the property is federally subsidized under any HUD program, or (3) the property leases to persons with Section 8 vouchers.)

Declaration: Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

[your signature]

[date signed]

[your printed name]

[your address]

A declaration filed pursuant to this Administrative Order is subject to Florida Statute section 92.525(3), which provides that a “person who knowingly makes a false declaration . . . is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” The Court may also find Plaintiff in contempt of Court and impose any additional sanctions it deems appropriate.

CARES Act

Public Law 116-136

Sec. 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) DEFINITIONS.—In this section:

(1) COVERED DWELLING.—The term “covered dwelling” means a dwelling that—

(A) is occupied by a tenant—

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term “covered property” means any property that—

(A) participates in—

(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)));

or

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or

(B) has a—

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term “dwelling”—

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that —

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured

loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.

(b) MORATORIUM.—During the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not-

(1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or

(2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.

(c) NOTICE.—The lessor of a covered dwelling unit-

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b).