



## ***ARE YOU AT RISK OF EVICTION?***

Actions to take NOW

(and what information is included in this bag):

1. Contact Legal Aid of Nebraska at 1-844-268-5627 immediately if you are facing eviction (see "WHAT TO DO IF YOU ARE FACING EVICTION" document);
2. Apply for rental/housing assistance (see "LINCOLN'S COVID-19 EMERGENCY RELIEF FUNDS" flier);
3. Complete CDC Eviction Moratorium Declaration Form, if applicable, and give to your landlord (see "CDC Eviction Moratorium Declaration Form: What It Is and How To Use It" document);
4. Report potential housing discrimination (see "Lincoln Commission on Human Rights" brochure); and
5. Attend all scheduled eviction hearings at the courthouse (see "Household Prevention Triage and Check list" documents to gather).



Proyecto de Asistencia  
al Inquilino

## ***¿ESTÁ EN PELIGRO DE DESALOJO?***

Acciones para tomar AHORA

(y qué información se incluye en esta bolsa):

1. Comuníquese con Legal Aid of Nebraska al 1-844-268-5627 inmediatamente si está enfrentando desalojo (consulte el documento "QUÉ HACER SI ESTA ENFRENTANDO DESALOJO");
2. Solicite asistencia de vivienda / alquiler (consulte el volante "FONDOS DE ALIVIO DE EMERGENCIA COVID-19 DE LINCOLN");
3. Complete el Formulario de Declaración de Suspensión Temporal de Desalojo del CDC, si corresponde, y entréguelo al propietario (consulte el documento "Formulario de Declaración de Suspensión Temporal de Desalojo del CDC: Qué Es y Cómo Usarlo");
4. Informar una posible discriminación de vivienda (ver el folleto "Comisión de Derechos Humanos de Lincoln"); y
5. Asista a todas las audiencias de desalojo programadas en el juzgado (consulte los documentos de "Lista de Verificación y Clasificación para Prevención de Desalojo" para recopilar).





# ***WHAT TO DO IF YOU'RE FACING EVICTION***

## ***GO TO YOUR COURT HEARING & CALL LEGAL AID OF NEBRASKA FOR FREE LEGAL ASSISTANCE!***

- Call Legal Aid of Nebraska at 1-844-268-5627 as soon as possible for free legal help.
- Sometimes an eviction hearing can be scheduled in court, even if you have not been personally given notice--Legal Aid can help you confirm an eviction case has been filed.
- Legal Aid can help you assert your rights under the law, including the CDC eviction moratorium.
- If you do not go to your scheduled hearing, your landlord will win, and you will be evicted.
- If you can't attend your hearing at the scheduled time because of an emergency or you have COVID-19, call Lancaster County Court at 402-441-7921 as soon as possible before your hearing to request a "continuance". If a "continuance" is not granted and you do not attend the hearing, you will be evicted.
- If your landlord or their lawyer contacts you before your hearing, you DO NOT have to talk to them. DO NOT agree to any offer before speaking with Legal Aid or another lawyer, and DO NOT turn in your keys before your hearing.
- If you do not have a lawyer, you should still go to your hearing! Lawyers from Legal Aid and the Tenant Assistance Project (TAP) will be at the courthouse, ready to help you.

## ***PREPARING FOR COURT***

- Plan to arrive at least 30 minutes early so that a volunteer lawyer can review your case.
- Bring any documents you've received from your landlord, including your lease, notices, and anything else they've put in writing, as well as records of payments you have made and government assistance you may have received.
- Dress professionally.

## ***AT THE COURTHOUSE***

- Free parking is available in the parking lot north of the courthouse.
- Look for TAP volunteers on the 2nd floor of the courthouse, immediately as you exit the elevator or stairwell.
- If you are approached by your landlord, their lawyer, or their representatives at the courthouse, you DO NOT have to talk to them.
- If someone in your household has a disability that would put them in danger due to COVID-19, TAP staff can assist you with making a reasonable accommodation request to remain in your home longer.

## ***IF YOU ARE ORDERED EVICTED AT THE HEARING***

- You need to move out as soon as possible.
- A sheriff or constable will arrive within 10 days, often the very next day, to remove you from your home.
- You should move your belongings to the home of someone you trust or a storage unit before the sheriff/constable arrives. Once they arrive, you may not be able to take any items that remain on the property.
- Before you leave, take pictures to document the condition of the home.
- There will be a second hearing to see if you are required to pay the landlord money for unpaid rent, fees, and damage to the home. Go to this hearing. As with the eviction hearing, if you do not go, the landlord will win.

# CDC Eviction Moratorium Declaration Form: What It Is and How to Use It

## If you are facing eviction:

- 1) Contact Legal Aid of Nebraska immediately at 1-844-268-5627 to obtain legal advice and possible legal representation in your eviction case;
- 2) Apply for rental/housing assistance, including Lincoln's COVID-19 Emergency Relief Funds (flier included in packet);
- 3) Complete the included CDC Eviction Moratorium Declaration form (information/directions below); and
- 4) Attend all scheduled eviction hearings, even if your landlord or your landlord's attorney tells you that you do not need to attend.

## What is the CDC Eviction Moratorium?

The CDC issued an order on September 2, 2020, preventing all evictions from rental homes for nonpayment of rent until the end of this year. This is a new development and will likely face legal challenges; however, this eviction moratorium order allows renters who meet certain requirements to avoid being evicted during the moratorium period (September 4, 2020 through December 31, 2020).

The included declaration form will help you provide the necessary information to your landlord in order to request the temporary halt (or stop) of an eviction action for unpaid rent until December 31, 2020. It is important to know that the CDC's order DOES NOT prevent your landlord from charging you rent- rent and fees will continue to be charged to you until the end of the eviction moratorium. Be aware that on January 1, 2021, the full balance you owe your landlord may become immediately due.

## How to Request a Temporary Eviction Halt:

Read the declaration form carefully. It will require you to state truthfully that you meet the ALL eligibility criteria, including:

- That you expect to earn no more than \$99,000 in annual income in 2020 (or no more than \$198,000 if filing a joint tax return), *or* were not required to report income in 2019 to the IRS, *or* you received an Economic Impact Payment (stimulus check) pursuant to the CARES Act.
- That you are unable to pay rent due to loss of your job or other forms of income, reduction in hours, or very high medical expenses.
- That you have made best efforts to apply for housing assistance from the government but are receiving no assistance, or the funds received are not enough to pay the full rent.
- That you will pay as much of the rent as possible during the eviction moratorium.
- That if evicted, you would become houseless, or need to move into a shared residence, such as a friend or family member's home, or a shelter.

All adults in your home should sign this form, then you should present it to your landlord. Ask your landlord to make a copy of this form and give it to you for safekeeping. If the landlord refuses to give you a copy and you are able, take a photo of the signed form with your phone. Keep a copy of this form until January 1, 2021. If you cannot contact your landlord, they refuse to meet with you or accept this form, or if you have questions about this process, contact Legal Aid of Nebraska immediately at 1-844-268-5627.



**[FORM] 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**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;<sup>1</sup>
- I either expect 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), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary<sup>2</sup> 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;

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<sup>1</sup> "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

<sup>2</sup> An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

- 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.<sup>3</sup>
- I understand that I must still pay rent or 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 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.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
Date

<sup>3</sup> “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.

# **COVID-19 EMERGENCY RELIEF FUNDS NOW AVAILABLE**

**Those needing financial assistance for housing and utilities due to the impact of COVID-19 are encouraged to contact one of the following organizations:**

## **Family Service**

**402-904-5562 or 402-441-7949**

**Matt Talbot Kitchen & Outreach**

**402-875-5782**

**People's City Mission**

**402-475-1303**

**CenterPointe, Inc.**

**402-475-5161**

**PCM Help Center**

**402-475-6888**

## **Community Action Partnership**

**402-471-4515 ext.1831**

**Assistance exclusively for applicants age 24 and under.**

**CEDARS Youth Services**

**402-437-8850**

**The HUB**

**402-471-8526**

**To qualify, need must meet income guidelines, and need must be a result of COVID-19.**

**During the pandemic, many agencies are conducting application assessments by phone.**

**When seeking rent, mortgage and utility assistance, the following documents may be required for some program eligibility: identification for anyone in a household age 13 and over, proof of income, copy of lease, name, address and account number on mortgage, and eviction notice, if applicable.**

**Those using Friendship Home or ResCare services should contact a staff person at those agencies when seeking assistance.**





## Lincoln Commission on Human Rights

- We are a neutral, investigative agency.
- We are independent fact-finders who supply information to Commissioners for decisions.
- We can only investigate complaints that occur within Lincoln's city limits.
- In most cases, you must file your complaint within one year of the date of the alleged discrimination.

### To file a claim:

- Call 402.441.7624 to speak to an investigator.
- An investigator will interview you and prepare a complaint on your behalf, which you will review and sign.
- We investigate alleged discrimination due to race, color, sex (gender), religion, national origin, age (over 40), disability, marital status, familial status or retaliation, which has presumably occurred at your place of employment, housing or in a business open to the public.

Your case will be reviewed by the Commissioners; you will receive a letter outlining their findings in your case.



## What is Discrimination?

Discrimination may be occurring if you are subjected to unequal treatment by a covered individual, business, or housing provider and this occurred because of your status in one or more of the following categories:

- Race
- Color (complexion, skin tone or shade)
- Sex (gender, includes pregnancy)
- Religion
- National origin or ancestry (country you or your family are from, includes accent and ethnicity)
- Age (over 40) - only in employment
- Disability
- Marital status (single or married)
- Familial status (children under 18, includes pregnancy and seeking the custody of a minor) - only in housing
- Retaliation

## What is Retaliation?

Equal opportunity laws prohibit the act of retaliation against an individual who has engaged in a protected activity. If you engage in a protected activity and believe you have been subjected to a harm because of it, this may apply to you.

### Examples of protected activities:

- Complaining about discrimination, including harassment
- Opposing acts of discrimination, including harassment
- Filing a charge of discrimination
- Participating as a witness in a case about discrimination
- Requesting or using a reasonable accommodation, including disability, pregnancy, and religious practices

In most cases, you must file your complaint within one year of the date of alleged discrimination.



The Lincoln Commission on Human Rights works to eliminate and prevent all forms of illegal discrimination, to assure and foster equal opportunity for all citizens of the City. The Commission also provides education and outreach to enhance an individual's understanding of their rights.

Our services are free of charge.

### City of Lincoln

#### Commission on Human Rights

555 S 10th St, Ste. 304  
Lincoln, NE, 68508 USA  
humanrights.lincoln.ne.gov  
Telephone 402.441.7624  
Fax 402.441.6937  
Hours: 8 a.m. to 4:30 p.m. weekdays



[humanrights.lincoln.ne.gov](http://humanrights.lincoln.ne.gov)

402-441-7624

555 S. 10th St. Ste. 304

Lincoln, NE 68508

## Employment Discrimination

Employment discrimination may be occurring if you are being treated differently than other employees because of your race, color, sex (gender), religion, national origin or ancestry, age (over 40), disability, marital status, or in retaliation for engaging in a protected activity.

Examples include:

- Failure to hire
- Different terms and conditions of employment
- Harassment
- Sexual harassment
- Termination or forced resignation
- Failure to promote
- Unequal pay or compensation
- Demotion
- Failure or refusal to provide a reasonable accommodation due to your disability, pregnancy, or religious practice

It is illegal for employers to retaliate against employees for making discrimination or harassment complaints or for participating in a workplace investigation regarding discrimination.

## Housing Discrimination

The law protects your right to live where you want, regardless of your race, color, sex (gender), religion, national origin or ancestry, disability, marital status, familial status, or in retaliation for engaging in a protected activity.

Housing discrimination may be happening if:

- You are not shown a property due to pregnancy or status as a parent or caregiver
- The quoted price is different for you because of pregnancy or children
- There is a refusal to make a reasonable accommodation for a person with a disability
- You are asked questions like "How many kids do you have?" "How long have you been here?" "Do you speak English?" "Do you always wear that scarf?"
- You are steered away from or toward specific neighborhoods, "You would fit in well in that area"
- Domestic violence or police reports are mentioned as a factor in denying you a rental
- Your religion seems to be a factor

## Public Accommodations

The law protects your basic rights of fair and equal treatment by businesses and facilities that are open to the public. Entrances should be accessible and admission non-discriminatory. You have the right to enjoy any opportunities available to the general public.

Discrimination may be happening if:

- You are closely scrutinized or followed by store or restaurant personnel
- You are asked for many pieces of identification
- You are denied a service when trying to purchase a product, such as purchasing food at a restaurant or tickets for an entertainment venue

Public accommodations include places of lodging, restaurants or bars, entertainment venues, public meeting spaces, sales or rental establishments, public transportation stations, educational institutions, social service establishments, recreation or fitness centers, parks, places of public display.

Facilities that may legally deny access include religious, non-profit organizations, or private clubs or other establishments not open to the public.



## Household Prevention Triage and Check List

### **Are you facing eviction? If so, you may be eligible for Prevention assistance to keep you housed.**

When you arrive at your eviction hearing at the Lancaster County Court, you can complete a prevention assessment to determine your eligibility for Prevention assistance to keep you housed.

### **Please bring the following documents with you to court:**

- Identification for all household members aged 18+
- Income verification (e.g., one-month paystubs, Social Security award letter, etc.),
  - Or, if you receive direct deposits, you can bring your most recent monthly bank statement instead.
- Copy of lease, rental agreement, or most recent mortgage statement.
- Notice to vacate (e.g., eviction notice, 14-day notice, 7-day notice, etc.).
- Notice of amount in arrears, rental amount, copy of utility bill, and documentation of assistance being requested.
- COVID declaration, attached below, if your eviction is related to COVID-19.
- If your eviction is not related to COVID, bring a copy of your social security card.
- Lead based paint disclosure for buildings built prior to 1978, if you already have a copy at hand.



## City of Lincoln and Lincoln CoC COVID Declaration

Name \_\_\_\_\_

Please select one or more of the following regarding COVID 19:

I have experienced one of the following (select check box, and explanation below)

- a reduction in salary as a result of the coronavirus
- my hours reduced as a result of the coronavirus
- been furloughed as a result of the coronavirus
- been laid off as a result of the coronavirus
- been terminated as a result of the coronavirus
- been placed in alternate shelter as a result of health and safety, either self-isolation due to symptoms or to decrease shelter population as a result of coronavirus
- experiencing homelessness (in shelter or unsheltered/place not meant for human habitation) and in need of assistance for the health and wellbeing of myself and others as a result of coronavirus.
- loss of income due to contracting or a family member contracting or being isolated after exposure to COVID19

Please briefly explain:

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I certify that the information presented in this certification is true and accurate to the best of my knowledge, as is the information documented in the HMIS system. The undersigned further understand(s) that providing false representations herein constitutes an act of fraud. The information provided is subject to verification by the ADLH Coordinated Entry System or agency receiving the referral.

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Signature

Date



## PREVENTION SELF-DECLARATION OF INCOME

Applicant Name: \_\_\_\_\_

This is to certify the income status for the above-named individual.

Income includes but is not limited to:

- The full amount of gross income earned before taxes and deductions.
- The net income earned from the operation of a business, i.e., total revenue minus business operating expenses. This also includes any withdrawals of cash from the business or profession for your personal use.
- Monthly interest and dividend income credited to an applicant's bank account and available for use. The monthly payment amount received from Social Security, annuities, retirement funds, pensions, disability and other similar types of periodic payments.
- Any monthly payments in lieu of earnings, such as unemployment, disability compensation, SSI, SSDI, and worker's compensation.
- Monthly income from government agencies excluding amounts designated for shelter, and utilities, WIC, food stamps, and childcare.
  - Alimony, child support and foster care payments received from organizations or from persons not residing in the dwelling.
  - All basic pay, special day and allowances of a member of the Armed Forces excluding special pay for exposure to hostile fire.

### **Check only one box and complete only that section**

I certify, under penalty of perjury, that I currently receive the following income:

Source: \_\_\_\_\_ Amount: \_\_\_\_\_ Frequency: \_\_\_\_\_

Source: \_\_\_\_\_ Amount: \_\_\_\_\_ Frequency: \_\_\_\_\_

Source: \_\_\_\_\_ Amount: \_\_\_\_\_ Frequency: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I certify, under penalty of perjury, that I do not have any income from any source at this time.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Social Security recipients only:**

Do you have a bank account, other than the account set up for Social Security?

Yes, I do and understand I will provide the most recent statement I've received.

No, I do not have another account, and utilize the account set up through Social Security (ex. Express Pay)

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_