COVID-19 RI FACT SHEET
ON EVICTIONS
Information is current as of December 4, 2020 and is subject to change.

I am having trouble paying my rent. Where can I get help?

If you owe back rent, call 2-1-1. The Safe Harbor program at United Way of Rhode Island has funds available to assist tenants and landlords with rent that is owed. Tenants must meet income guidelines to qualify. For more information about Safe Harbor, call 2-1-1 or visit:

https://www.uwri.org/2-1-1/safe-harbor-housing-program/

It is very important to apply for rental assistance before the end of December! These funds may not be available after December—that is unclear until further action is taken in Washington. Please contact the program before the end of December.

The guidelines for this program have recently changed to make it easier for you to get help. You will not have to submit a lot of documentation—just a statement of your income that you sign and some evidence that you live in the home (a bill or similar). If you had tried to apply to this program before but found that you didn’t have the documents please try again. They are trying very hard to help people and make the process simpler.

Is other help also available?

The HomeSafe program is designed to offer one time financial assistance for households facing a short term emergency. You are eligible for the HomeSafe program if you have experienced a short term emergency that has made it difficult to pay housing-related expenses, have been Rhode Island residents since May 1, 2019 OR have a Domestic Violence waiver, and have a household income or below 50% of the Area Median Income.

If you have a Section 8 Voucher or another type of rental assistance, you should contact the Housing Authority who issued your voucher, or RIHousing at (401) 457-1125 to report your change in income. You may also call 2-1-1 for assistance.

Landlords and tenants are encouraged to settle their disputes, and enter repayment plans if possible. During this public health emergency landlords may not seek court costs, late fees, or attorney fees as a condition of any settlement agreement.

Is there a moratorium on evictions in Rhode Island?

There is not a moratorium on all evictions in Rhode Island, but there are protections for tenants facing eviction for nonpayment. Rhode Island follows the nationwide order issued by the Centers for Disease Control and Prevention (CDC) in September 2020, prohibiting evictions of tenants for nonpayment of rent through December 31, 2020. The order does not prohibit evictions for reasons other than non-payment, such as termination of tenancy or non-compliance with a lease.

In order to be protected under the CDC eviction moratorium, tenants must sign a declaration form stating they are unable to pay their rent because they have lost income, earn under a certain amount of money, and have tried to obtain rental assistance. The tenant must give the declaration form to their landlord. It is recommended that tenants keep a copy for themselves and/or document when and how they deliver the declaration form to their landlord. The signed declaration does not dismiss the eviction lawsuit, but only delays it until after December 31.

If you are financially able to pay your rent, you should pay it. The moratorium does not cancel rent. You will still owe any rent that is not paid and will have to pay that rent to prevent an eviction when the moratorium ends.

If you are not able to pay your rent, you should let your landlord or property manager know. Document any conversations that you have with your landlord about your loss of income, making partial payments or adjusting your rent amount. If you do make any payments, keep a receipt such as a cancelled check, money order receipt or statement from your landlord. For help with rent, call 2-1-1 or apply online to Safe Harbor at United Way.

Do I still have to pay rent during the moratorium?

It is very important to apply for rental assistance before the end of December! These funds may not be available after December—that is unclear until further action is taken in Washington. Please contact the program before the end of December.

The guidelines for this program have recently changed to make it easier for you to get help. You will not have to submit a lot of documentation—just a statement of your income that you sign and some evidence that you live in the home (a bill or similar). If you had tried to apply to this program before but found that you didn’t have the documents please try again. They are trying very hard to help people and make the process simpler.
Does the moratorium stop all evictions from happening?

No. The CDC moratorium only applies to cases where the tenant is unable to pay their rent. Landlords are still able to file evictions against tenants for other reasons besides non-payment of rent.

During the moratorium, can landlords still send me a notice for rent that is owed?

Yes. Landlords and property managers are still able to send “demand” notices for rent that is owed. These are commonly called “five day demands” or “ten day demands.” These notices are not the same as an eviction court summons.

If you receive a demand notice and cannot pay, you should:
1. Give a completed declaration form to your landlord as soon as possible, if you haven’t already done so.
2. Apply for rental assistance through Safe Harbor by calling 2-1-1. Either you or your landlord can apply for assistance for your rent owed.

You cannot legally be evicted from your home until your case goes to court and a court order for you to move out (also called an “order of execution”) has been issued. Only a judge can evict you, your landlord cannot require you to move unless the court orders it.

During the moratorium, can my landlord still file an eviction with the court?

Yes. On November 3, 2020, the Rhode Island District Court issued an administrative order that eviction cases can be filed and can move forward with the Court, even if a tenant has submitted a CDC declaration form. If you receive an eviction court summons, you must show up to court or a judgement may be entered against you. It is very important to go to court if you get a notice to do so. Otherwise your rights may be waived.

While judgements may be entered, they cannot be enforced until the CDC Moratorium expires on December 31, or until the Court issues another order. This means that even if you are ordered to move out, this cannot be enforced until after December 31, 2020. This only applies to eviction for nonpayment of rent. If you are being evicted for another reason, you can still be removed by an authorized constable or sheriff if a move-out / order of execution has been issued.

I heard that evictions are happening. Is that true?

There are a few steps to legal evictions. Papers have to be filed with the court, a hearing must be scheduled, and after the hearing, a judgment entered by a judge. After a judgement is entered, a court order for the tenant to move out (an “order of execution”) can be issued. The court order to move someone out of their home can only be enforced by an authorized constable or sheriff.

On June 1, 2020, the courts started doing eviction hearings and enforcements of move-out orders. Legal evictions have been allowed to take place.

Sometimes landlords try to evict people without going to court. These evictions are called “self-help evictions” and they are illegal.

Can my landlord come and move me out?

Landlords cannot move you out without going to court and getting a court order.

If someone comes to move you out, make sure that they have a court order signed by a judge. Only a constable or sheriff authorized by the State of Rhode Island can move you out with a court order. Ask to see their credentials and call the police for assistance if they cannot show you proof of ID as a sheriff or constable, or if they do not have a court order.

Your landlord cannot just come to your home and move you out even if they claim they have a court order. Only a constable or sheriff can move you out with a court order.
You cannot be legally evicted until after the case has been processed through the court system and received a hearing. You should also check the notice to see whether it is a demand for rent or a court summons for eviction.

A demand for payment of rent is different than a court summons for eviction. If you received a demand letter for payment of rent, you may be able to work out a payment agreement with your landlord or property manager. You should call 2-1-1 for the Safe Harbor program. You should also give your landlord a CDC declaration form.

If you’ve received a notice to appear in court, you should make every effort to attend the hearing and seek legal assistance. You or your landlord should apply for rent help through Safe Harbor and you may be able to do so at the courthouse.

You should keep any evidence of your efforts to pay rent. You should document any changes to your income at this time and track any conversations you have with your landlord about making partial payments or about losing your income. These are very important to show the court. It is very important that you get and keep receipts for rent that you pay. Proof of payment can be a money order receipt, a canceled check or a receipt from the landlord.

If your landlord is telling you to move out during this emergency, or you have other concerns about your rental apartment, you can call the RI Center for Justice: (401) 491-1101.

If you have Section 8 housing or live in public housing you can call RI Legal Services at (401) 274-2652 to get help and advice about public housing rights and responsibilities.

Both RI Legal Services and the RI Center for Justice can answer general housing questions and concerns.

If you are experiencing homelessness, you can go to the nearest shelter (map here) or call (401) 277-4316.

Depending on what you need help with, there are lots of resources. Call Rhode Island 2-1-1 to speak to someone who will refer you to help based on your needs.