

Rental Assistance is Available through SD Cares



On August 26th, 2021, the Supreme Court ruled that the Center for Disease Control and Prevention (CDC) lacked the authority to impose a federal moratorium without explicit congressional authorization, causing some 6 million people across the country to face eviction.

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 2020, 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://www.cdc.gov/covid-data-tracker/community-view>

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.



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



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.



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!

Additional Assistance

If you have questions about the above or need assistance, please apply online for services at: 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) 870-0250

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

SOUTH DAKOTA ACCESS TO JUSTICE
(855) 387-3510



Source • Centers for Disease Control and Prevention (cdc.gov)



WHAT IF I CAN'T PAY RENT?

1 Contact Your Property Manager IMMEDIATELY!

Contact your property manager by he/she's preferred method of contact immediately if you know you are unable to pay rent. Be calm, explain the situation, and inform he/she of the steps you are taking to relieve the issue.

Follow up the conversation by sending a letter to your property manager of what was discussed and/or agreed upon in the initial conversation. Be sure to include in the letter what steps you are taking to receive rental assistance. This letter does not protect you from eviction but helps memorialize the conversation.

2 Apply for SD Cares Rental Assistance.

Apply for SD Cares Rental Assistance immediately. This process takes time but may be able to provide you with catching up on back rent and future rent payments.

Refer to this [handout](#) for more information.

3 Find Other Help in Your Area.

Call your [local 211](#) or use their [find help tool](#) to learn about what other agencies offer emergency rental and/or eviction assistance in your area.

4 Still have questions?

Review [The SD Landlord/Tenant Handbook](#) if you have questions about your rights and obligations as a tenant.

Refer to the [SD Law Help Webpage](#) for more information and resources.

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EAST RIVER LEGAL SERVICES

SD Emergency Rental Assistance

WHAT IS IT? South Dakota Housing Development Authority with legal partner agencies are providing emergency housing and utility assistance for South Dakota residents through Federal COVID Stimulus funds. If you have been financially impacted due to COVID-19, the SD CARES Housing Assistance Program may provide temporary housing or utility assistance for South Dakota residents who meet all of the following criteria:

CRITERIA 1 Households income qualify based on county of residence. Refer to the following link for income limits based on the type of assistance requested, you must fall below the income level listed for your county and household size: Rental Income Guidelines.

CRITERIA 2 Have one or more individuals in the household who has qualified for unemployment benefits, experienced a reduction in household income, incurred significant costs or experienced other financial hardship due directly or indirectly to the coronavirus outbreak.

CRITERIA 3 Have one or more individuals in the household that have a past due utility bill, rent notice or are able to prove that they are at risk of experiencing homelessness or housing instability.

WHERE TO START? Apply online at: www.sdlawhelp.org/social-programs/care-act-housing-assistance-program/care-act-housing-assistance-program-2

You will be asked to complete the full application and will be expected to submit required documentation before assistance is provided.

WHAT HAPPENS AFTER YOU APPLY? You will receive an email indicating that your application has been received. This tokenized email will be your access to your application so it is very important that you do not lose this email. You will use this tokenized email to log back into the application and manage your account.

Upon submission, your application will be assigned to one of the partner agencies and they will be in contact with you for any additional documents or information that may be necessary.

DEADLINE TO APPLY. Applications will be accepted on a rolling basis through September 1, 2022, or until such time as funds no longer are available.

HOW MUCH ASSISTANCE CAN YOU RECEIVE? The amount of assistance received by each household will be based on each household's circumstance. Each household may receive up to 12 months of assistance if determined necessary. There is no limit on the dollar amount of assistance provided for each month. All past-due rent and utilities back to March 15, 2020 will be paid first with remaining funds available for prospective (future) assistance. Funding will be available at least through September 30, 2022.

Learn more at www.sdlawhelp.org

HOW CAN I GET ADDITIONAL ASSISTANCE?

If you have questions about the above or need assistance please apply online for services at: 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

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To view the forms in multiple languages, please click [here](#).

Last updated on May 19, 2022.

Files

[UnableToPayRent.pdf](#)

[SD Emergency Rental Assistance.pdf](#)

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Table of Contents