

Coronavirus Stimulus Bill (CARES Act) Creates Separate Moratorium on Eviction Cases - Updated 4/24/20

The CARES Act was signed by President Trump on March 27, 2020, and took effect that same day. Section 4024 is the Temporary Eviction Moratorium section that is most relevant. Click this link to read that section

<https://www.congress.gov/bill/116th-congress/house-bill/748>

To ensure that the court isn't evicting a tenant in violation of this Act, an affidavit is available located on **JP1's Civil Court Forms** page for plaintiffs to fill out before receiving a judgment, swearing that their property is not subject to this moratorium. ***(This must be filed with the petition, or emailed or faxed prior to the trial.)***

In short, the Act applies to all housing programs to which VAWA applies (public housing, project-based section 8, Housing Choice Vouchers, LIHTC, etc.) as well as the rural voucher program and properties with federally-backed mortgages (HUD, Fannie Mae, Freddie Mac; more detailed definitions are in that section). The effects include:

- No notices to vacate for nonpayment may be issued in any of these properties until after the 120-day period expires, AND such notice to vacate must be for at least 30 days (so it couldn't expire sooner than Aug. 24).
- These covered properties may not charge late fees/other penalties for late payment during the 120-day period.

The federal eviction moratorium **does not** affect the following:

- Eviction cases that were filed before March 27, 2020;
- Eviction cases with purely private landlords with none of the funding described above; or
- Eviction cases in which the grounds for eviction are alleged breaches not related to nonpayment.

For a FAQ from HUD on these issues click this link.

<https://www.hud.gov/sites/dfiles/PIH/documents/PIH-HCV-Mod-Rehab-Eviction-QA.pdf>

Landlords can go to the TDCHA

website <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm> and click on "HTC Property Inventory (XLSX)" under Additional Guidance and Resources to search a database to determine if their property is subject to the LIHTC restrictions, and can go to:

https://nlihc.org/federal-moratoriums?ct=t%28update_041720%29 to check their property against a multi-family housing database.

Remember also that these properties are subject to a 30-day notice to vacate requirement under the CARES Act, as described elsewhere in this section.