

COVID19: Renter Protections Under the CARES Act

Is protection for renters included in the Coronavirus Aid, Relief, and Economic Security (CARES) Act?

The CARES Act offers renters who live at **“covered properties”** (see *list below*) several protections for a **temporary period of 120 days**. At covered properties, landlords are temporarily prohibited from:

- filing evictions for non-payment of rent, or
- charging late fees or penalties for late payment of rent, for a period of 120 days from March 27 until July 25, 2020.

During this period, landlords cannot issue notices to vacate for nonpayment.

If I live at a “covered property” do I still need to pay my rent?

Regardless of whether you live in a covered property, you should continue to pay your rent in full and on time, if you can. If you can't pay rent right now, talk to your landlord about your situation. When you can afford to pay full rent again, you should do so. NOTE: The CARES Act **does not forgive your obligation to pay rent**. If you don't pay your rent, you can still be evicted - just not right away. To evict you, your landlord must file an eviction case in justice court in the precinct where you live.

What is a “covered property” under the CARES Act?

“Covered properties” include properties that participate in the housing programs below. The largest are **public housing, Housing Choice Vouchers, Project-Based Section 8 housing, and the Low-Income Housing Tax Credit program**.

- Public housing
- Section 8 Housing Choice Voucher program
- Section 8 project-based housing
- Low-Income Housing Tax Credit (LIHTC) program
- Section 202 housing for the elderly
- Section 811 housing for people with disabilities
- Section 236 multifamily rental housing
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing
- HOME
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney-Vento Act homelessness programs
- Section 515 Rural Rental Housing
- Sections 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 multifamily rental housing, and
- USDA Rural Housing Choice Voucher program.

The Act also applies to renters whose property owners have **federally-backed mortgages**. These include mortgages backed by the Department of Housing and Urban Development (HUD), Department of Veterans Affairs (VA), Department of Agriculture (USDA), and the government-sponsored enterprises known as Fannie Mae and Freddie Mac.

How do I know whether I live in a covered property?

Check your lease documents. They should state if your property participates in one of the housing programs in the list above. If you don't know, ask your landlord if their mortgages are backed by a federal agency (HUD, VA, USDA), Fannie Mae, or Freddie Mac.

Can my landlord file an eviction even if I'm a tenant in a covered property?

No, these landlords cannot file evictions against tenants for nonpayment of rent or nonpayment of other fees or charges for 120 days after the effective date of the Act. This means that landlords of covered properties cannot file nonpayment evictions between March 27 and July 25, 2020.

If I live in a covered property, can my landlord charge late fees for late payment or nonpayment of rent?

No, these landlords cannot charge "fees, penalties, or other charges" related to nonpayment of rent for 120 days, from March 27 to July 25, 2020.

If I live in a covered property, can my landlord give me a notice to vacate ?

Not for nonpayment of rent or other charges, for 120 days after the Act takes effect (between March 27 and July 25, 2020). NOTE: Your landlord still can issue a notice to vacate for a reason *not* related to nonpayment.

What happens after the Act expires on July 25?

After July 25, 2020, landlords can issue notices to vacate. But they must give **at least 30 days'** notice that you have to leave. That means that for a covered property, the soonest your landlord could give you a notice to vacate for nonpayment would be July 26, and the soonest the notice would tell you that you have to leave is August 25.

What should I do if I think my landlord violated the CARES Act?

Talk your landlord. Tell them that you believe you are covered by CARES Act protections. Contact Texas RioGrande Legal Aid to apply for legal help. During the COVID-19 pandemic, all applications for assistance must be made by calling **(888) 988-9996 Monday – Thursday, 8 am – 7:30pm**.