
DOES THE CARES ACT APPLY TO A RENTAL?

What is the Coronavirus Aid, Relief, and Economic Security (CARES) Act?

The CARES Act applies to “covered properties,” which includes properties with federally-backed mortgages.

A covered property cannot:

- Give a notice to vacate for nonpayment of rent before July 25, 2020;
- file evictions for non-payment of rent before August 24, 2020; or
- charge late fees or penalties for late payment of rent from March 27th to July 24th

After July 24th, a covered property can give a notice to vacate, but it must be for 30 days or more.

Also, a property covered by the CARES Act that is in forbearance cannot file evictions for nonpayment of rent or charge late fees or penalties for late payment until that forbearance period is up, and after that must give at least a 30 day notice to vacate.

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

1. Properties that participate in any of the following housing programs:

- Section 8 Housing Choice Voucher program – if a tenant has a voucher, the entire building is covered
- Public housing
- 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
- Section 221(d)(3) Below Market Interest Rate (BMIR)
- 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.

2. Properties with mortgages insured, guaranteed, supplemented or assisted by the federal government:

- Department of Housing and Urban Development (HUD)
- Department of Veterans Affairs (VA)
- Department of Agriculture (USDA)
- Fannie Mae or Freddie Mac
- Freddie Mac

How do I know if a property is covered by the CARES Act?

An **apartment complex (or tenant)** can enter a property address in these online databases:

- Texas RioGrande Legal Aid map: <https://TXCAREsact.org>
- The National Low Income Housing Coalition’s database of covered multifamily properties: <https://www.nlihc.org/federal-moratoriums>
- The National Housing Preservation Database of multifamily properties with certain federal subsidies: <https://preservationdatabase.org>

A landlord for apartments or other duplexes and houses can also find out if a property is covered by:

- Calling the number on the loan statement
- Calling the FHA, VA, USDA, Fannie Mae, or Freddie Mac escalation number: <https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp>
- Looking up the property: <https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/>
- Fannie Mae: <https://www.knowyouroptions.com/loanlookup>
- Freddie Mac: <https://ww3.freddie.com/loanlookup/>