



## **CARES Act Moratorium on Evictions Frequently Asked Questions (FAQ)**

### **1. May a landlord evict a tenant of a “covered dwelling” for nonpayment of rent, other fees or charges?**

No. The landlord/lessor of a “covered dwelling” may not make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges before July 25, 2020. (Sec.4024(b))

The lessor is also unable to charge fees, penalties, or other charges to the tenant related to the nonpayment of rent. (Sec 4024(b)(2))

### **2. What is a “covered dwelling” under the CARES Act?**

A covered dwelling is a dwelling that is (1) occupied by a tenant pursuant to a residential lease or without a lease or with a lease terminable under State law and (2) is on or in a covered property. (Sec. 4024(a)(1))

A “covered property” is any property that has a (1) federally backed mortgage or multifamily mortgage loan or (2) participates in:

- a. A covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a))); or
- b. The rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r).

### **3. How do I know if my property has a “federally backed mortgage” or participates in a “covered housing program”?**

A federally backed mortgage loan is any loan that is secured by a first or subordinate lien on residential real property designed for the occupancy of one or more families and is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home

Loan Mortgage Corporation (“Freddie Mac”) or the Federal National Mortgage Association (“Fannie Mae”). Sec 4024(a)(4)-(5).

If you are unsure whether a mortgage loan on a property is federally backed, you could:

- Use a look-up tool such as Freddie Mac’s or Fannie Mae’s website
- Contact your loan servicer
- Review your mortgage and loan documents
- For HUD/FHA loans, contact HUD’s National Servicing Center at 877-622-8525

Covered housing programs are defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)) and the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r). They include housing programs under the following:

- Section 8 Housing Vouchers under section 1437f of title 42;
- Supportive housing for the elderly (12 USC 1701q)
- Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);
- Subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);
- Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);
- Subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);
- Paragraph (3) of section 1715l(d) of title 12 that bears interest at a rate determined under the proviso under paragraph (5) of such section 1715l(d);
- Program under section 1715z–1 of title 12;
- Programs under sections 1437d of title 42;
- Rural housing assistance provided under sections 1484, 1485, 1486, 1490m, and 1490p–2 of title 42; and
- The low income housing tax credit program under section 42 of title 26.
- Rural housing voucher program (42 U.S.C. 1490r)

**4. What notice must the lessor of a covered dwelling unit give before evicting a tenant?**

The landlord/lessor of a covered dwelling must give a tenant at least 30 days' notice before requiring a tenant to vacate a dwelling. The notice to vacate a covered dwelling may not be issued to a tenant until after July 25, 2020. Sec. 4024(c).

**5. My property is not a “covered dwelling” or “covered property”, so the CARES Act does not apply to me. How do I prove this?**

A landlord/lessor can submit supporting documentation at the time of filing. This documentation may, but is not limited to, include an Affidavit by the filing party or a Certification by the filing Attorney.

**6. How long does the moratorium on evictions last?**

The current Federal CARES Act began on March 27, 2020 and will run for 120 days, through July 25, 2020, plus the 30-day notice requirement. If the federal CARES Act is extended by Congress, these dates may change.

**IF YOU HAVE QUESTIONS, AKRON MUNICIPAL COURT URGES YOU TO SEEK LEGAL ASSISTANCE.**

**AKRON MUNICIPAL COURT IS PROHIBITED FROM PROVIDING LEGAL ADVICE.**