

Additional Eviction Protections for Subsidized Renters: CARES Act

What is the CARES Act?

Renters who live in low-income housing, or who have a voucher that pays some or all of their rent, have additional protections against evictions for nonpayment of rent. For renters with low incomes who get government help paying their rent, landlords have to give **at least 30 days' notice** in writing before filing an eviction in court that is based on nonpayment of rent (it is possible that this 30 day notice requirement may apply to other kinds of termination notices as well, but the law is unclear on this).

A federal law, the CARES Act, applies to all renters with low incomes who get government help to pay their rent. This law applies to people who live in:

- public housing
- low income tax credit housing (LIHTC)
- rural development housing
- housing where a voucher pays part or all of the rent

The CARES Act requires landlords to give at least 30 days' notice before filing a nonpayment of rent eviction case against a renter who is covered by the CARES Act.

How can renters find out if they are covered by the CARES Act?

If renters aren't sure if they're covered by the CARES Act, there are some ways to find out.

- Look at the lease or rental agreement. Most low income housing will have a lease or rental agreement that says something about any government funding that applies.
- Look at any termination notice that the landlord gives. If it comes with information about the Violence Against Women Act (VAWA), the renter is likely covered by the CARES Act, too.
- If a renter only pays part of the rent, and the rest is paid by a housing authority, the renter is probably covered by the CARES Act.

How can renters use the CARES Act to fight an eviction?

If your landlord has filed an eviction case against you, you can contact the Eviction Defense Project for free legal help. Call the Eviction Defense Project at 888-585-9638, Monday-Friday from 9-1PM, e-mail evictiondefense@oregonlawcenter.org, or visit <https://oregonlawcenter.org/eviction-defense-project/> If you leave a message or email, **you should say that you think you're covered by the CARES Act.**

For renters who aren't able to get help from the Eviction Defense Project, it may be possible to defend themselves in court.

If a landlord gives a renter who is covered by the CARES Act a nonpayment of rent notice that gives less than 30 days before the renter has to move out (like a 10 day termination notice) the renter might have a defense in court.

To defend against an eviction using the CARES Act, renters have to:

- go to the first court appearance
- file an answer and either pay a filing fee or ask to have the fee waived
- check the box on the answer form that says the eviction notice is wrong
- explain that the renter is covered by the CARES Act
- go to trial and show the judge proof that the renter is covered by the CARES Act
- proof could include a rental agreement that says the property is subsidized, or paperwork from a housing authority with information about a voucher

Renters may have trouble explaining how the CARES Act works to a judge without a lawyer. If at all possible, **renters should get in touch with a lawyer before court.**

More information about the eviction process is available at www.OregonLawHelp.org, and at www.OregonRentersRights.org

What happens next?

If a renter proves that they are covered by the CARES Act, the court should dismiss the eviction. But the landlord will probably give the renter a new notice that gives 30 days to move out. Winning an eviction trial isn't going to permanently fix the problem, but it can get renters more time to get the rent paid, or to move out.

What are other things renters can do if they can't afford their rent?

Renters who live in low income housing may be able to get their rent lowered if the household income has changed. Renters who live in public housing, or who get a voucher from a housing authority, should talk to their housing caseworker if there's been a change in income.

Rental assistance may be available in your community. You can call 2-1-1, or visit www.211info.org for information about rental assistance.

More information about this provision of the CARES Act: [Enforcing-CARES-Act-30-Notice.pdf \(nhlp.org\)](#)

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For general questions, you can find contact information for a legal aid office near you at <https://oregonlawhelp.org/find-legal-help>.

You can also contact the Oregon State Bar lawyer referral service at (503) 684-3763.