

This information is current as of March 31, 2020. Please check back frequently for updates.

## **Important information for all tenants in federally subsidized housing**

The United States Congress has passed a law (the CARES Act) that prevents federally subsidized landlords from filing new eviction cases or giving termination notices based on nonpayment of rent, fees, or other charges. This law applies **only** to landlords who provide subsidized housing. And it **only** applies to terminations and evictions based on **nonpayment**. Other state and local laws may also apply to renters who do not have subsidized housing. The CARES Act will be in effect from March 27, 2020, to July 25, 2020.

### What does “subsidized housing” mean?

Subsidized housing means housing that is provided at a reduced rent for people with lower incomes. Most people in subsidized housing are required to give information about their incomes to their landlord and/ or a housing authority at the time they move in, and usually at least once a year after they move in.

### What housing is covered by the CARES Act?

The CARES Act applies to all of the following types of federally subsidized housing:

- Public housing (HUD housing)
- Low-Income Housing Tax Credit (LIHTC)
- Section 8 Housing Choice Voucher
- Section 8 Project-Based Voucher
- Housing for the Elderly/ Disabled
- VASH Voucher
- Rural Development Housing

The CARES Act also applies to other federally subsidized housing programs, including any housing that has a federal mortgage. It can be hard to know what types of subsidy might apply to your housing. The following list of questions may help you find out if you live in federally subsidized housing.

### Do I live in federally subsidized housing?

If you answer yes to **any** of the following questions, it is likely that you live in subsidized housing. To make sure, you can contact your local housing authority, your landlord, or your local Legal Aid or Oregon Law Center office.

- Do you pay a rent that is based on your income?
- When you applied to your current housing, did you have to show that you had an income that was below a certain amount in order to move in?
- Do you have to tell your landlord and/or a housing authority caseworker whenever your income changes?
- Have you ever paid zero rent in your current housing?
- Does your rental agreement say “HUD Model Lease” on it anywhere?
- Does your rental agreement say “Tax Credit Housing” or “Section 42 Housing” on it anywhere?
- Have you ever gotten papers from your landlord that said “Violence Against Women Act” on them?

Again, if the answer to any of these questions is **yes**, then you likely live in federally subsidized housing.

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### How do I know if my landlord has a federally-backed mortgage?

Unfortunately, there's no obvious way for a renter to know if their landlord has a federally-backed mortgage. However, most mortgages are federally-backed. So if you get a notice of termination from your landlord before the CARES Act expires on July 25, 2020, it's a good idea to send the landlord the form letter at the end of this handout.

### How can the CARES Act help me?

The CARES Act says that a landlord who rents federally subsidized property can't do any of the following things until the CARES Act expires on July 25, 2020:

- Issue a new termination notice based on nonpayment of rent, fees, or other charges
- File a new eviction case based on nonpayment of rent, fees, or other charges
- Charge any late fees, penalties, or interest for rent, fees, or other charges that are unpaid

In addition, the CARES Act says that if a landlord gives a termination notice based on nonpayment after the CARES Act expires, the landlord has to give the tenant **at least 30 days** to move out. The earliest that the landlord can give a termination notice for nonpayment is **July 26, 2020** (the day after the CARES Act expires).

### Do I still owe my rent?

**YES.** Even though the landlord can't give you a termination notice or evict you while the CARES Act is in place, you still owe the rent, and the landlord can make you pay it back starting on July 26, 2020. However, in most kinds of subsidized housing, your rent depends on your income. So if your income has gone down, you should contact your landlord or your housing authority caseworker right away, **in writing**, to see if your rent can be lowered.

### What do I do if my landlord gives me a notice or tries to evict me before July 26?

If you live in subsidized housing, or you think your landlord might have a federally-backed mortgage, you should fill out the form letter on the next page and give it to your landlord. You need to keep a copy of the letter that you send to your landlord. If the landlord doesn't respond to your letter within a week, you should call your local Legal Aid or Oregon Law Center office for more help.

### What other rules or laws protect tenants during the COVID-10 epidemic?

For more information about state rules and laws relating to evictions during the epidemic, go to <https://oregonlawhelp.org/classroom/public-health-and-coronavirus-covid-19/housing-protections>  
You can also go to [OregonRentersRights.org](http://OregonRentersRights.org)

Additional rules may apply depending on the county that you live in. Go to your county's website, or call to see if other rules apply. Or contact your local Legal Aid or Oregon Law Center Office.

Remember, it is **always against the law** for a landlord to physically remove a tenant, to change the locks to keep a tenant out of their home, or to shut off the utilities to try to remove a tenant. Only the sheriff can use force to remove you, and even then only after a court order.

Tenant's name and address:

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Date: \_\_\_\_\_

Dear Landlord:

As you know, we are currently in a state of emergency because of the COVID-19 epidemic. Congress passed a law on March 27, 2020 called the CARES Act. Section 4024 of the CARES Act says that a landlord who rents property that is covered by a federal subsidy (including a federally backed mortgage) is not allowed to give a termination notice or start an eviction based on nonpayment of rent, fees, or other charges, between March 27 and July 25, 2020. After the CARES Act expires, the landlord is required to give at least 30 days' notice before termination.

I believe that the CARES Act applies to the property that I am renting from you. If the property that I am renting from you is covered by a federal subsidy, you cannot give me a termination notice based on nonpayment or evict me for nonpayment until the CARES Act expires.

You sent me a notice dated \_\_\_\_\_, 2020, that is based on nonpayment of rent, fees, or other charges. Please either withdraw this notice, or explain in writing why the property I rent is not covered by the CARES Act.

Please respond within one week.

Sincerely,

\_\_\_\_\_ (tenant name)