

CARES Act Cheat Sheet FOR TX JUSTICE COURTS

What is a "covered property"?

A property is a **covered property** if it fits in either of these two categories:

1) A property has a **federally backed mortgage**

- If any servicer, lender, guarantor, or insurer is a federal agency such as FHA, VA, USDA, Ginnie Mae, Fannie Mae, or Freddie Mac
- Includes mobile homes, single family homes, duplexes, quads, apartment complexes, etc.

2) The property participates in a **covered housing program under VAWA**, including:

- Public Housing
- Section 8 Housing Choice Voucher Program
- Section 8 Project-Based Housing
- Section 202 Housing for the Elderly
- Section 811 Housing for People with Disabilities
- Section 236 Multifamily Rental Housing
- Below Market Interest Rate (BMIR) Housing
- HOME
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney-Vento Act Homelessness Programs
- Section 515 Rural Rental Housing
- Section 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 Multifamily Rental Housing
- Low-Income Housing Tax Credit (LIHTC)
- Rapid Rehousing

TIP: If a multifamily property has one voucher tenant, the **ENTIRE** property is a covered property, including all non-voucher tenants

TIP: Only the **OWNER** has access to mortgage information, including forbearances; publicly available databases are **NOT** complete

March 27, 2020 through August 24, 2020

- Every eviction filed during these dates requires a CARES Act verification:
 - Is the property a **covered property**?
 - Did the LL give 30-day NTV?
 - Is the mortgage in forbearance?
- Failure to provide a CARES Act verification is a fatal pleading defect



3/27/20 through 7/25/20
7/26/20 and later

LL cannot evict, give a NTV, or charge late fees due to non-payment of rent

LL must give 30-day NTV

No CARES Act protection, but regular eviction defenses still apply

TIP: Verifications **REQUIRE** personal knowledge to be valid under Texas law

TIP: An amended verification may be required to comply with the 20th EO

August 25, 2020 and later

