**The CARES Act and Residential Tenants**

**How does the CARES Act impact evictions and late fees for residential tenants?**

For certain properties, the CARES Act establishes a moratorium through July 24, 2020 that prohibits a landlord from:

1. filing evictions for nonpayment of rent or other amounts due under the lease; and
2. charging late fees, penalties, or other charges related to nonpayment of rent.

Additionally, a landlord of such properties must provide at least a 30-day notice to vacate—issued after this period expires—before the landlord may require the tenant to vacate the property.

This means that the earliest that a tenant in a covered property could be required to leave the property for nonpayment of rent or other amounts due under the lease would be August 24, 2020, *i.e.*, the deadline to vacate if a landlord provides the tenant a 30-day notice to vacate on July 25, 2020.

**Which properties are subject to the temporary moratorium on eviction filings and late fees under the CARES Act?**

The temporary moratorium on eviction filings and late fees under the CARES Act applies to a property occupied by a tenant pursuant to a residential lease if the property:

1. participates in a covered housing program or the rural housing voucher program, or
2. has a federally backed mortgage loan or a federally backed multifamily mortgage loan.

**For a tenant in a covered property, is the tenant required to provide any proof of financial hardship due to COVID-19 for the temporary moratorium on evictions to apply?**

No, the moratorium through July 24, 2020 on filing evictions for nonpayment of rent or other amounts due under the lease is not conditioned on the proof of (or even the existence of) financial hardship due to COVID-19. Rather, the moratorium applies based on the characteristics of the property.

(See above FAQ: *Which properties are covered by the temporary moratorium on eviction filings and late fees under the CARES Act?*)

**Does the CARES Act impact evictions that are not based on nonpayment of rent or other amounts due under the lease?**

No, the temporary moratorium on eviction filings under the CARES Act only impacts evictions that are based on nonpayment of rent or other amounts due under the lease. For instance, if a tenant has a pet that is not authorized under the lease, the CARES Act does not prohibit the landlord from filing for an eviction on that basis at any time.

However, please note that the Texas Supreme Court has suspended all proceedings and deadlines for residential evictions in Texas through April 19, 2020, with exceptions for certain situations involving an imminent threat of criminal activity or physical harm. Additionally, some local governments have taken action to limit evictions that goes beyond the actions taken by the CARES Act and the Texas Supreme Court. All to say that, while the CARES Act may not prohibit a landlord from filing a particular eviction, the eviction may nevertheless be placed on hold or restricted due to other legal authority.

**How is the order on residential evictions issued by the Texas Supreme Court impacted by the CARES Act?**

The Texas Supreme Court has suspended all proceedings and deadlines for residential evictions in Texas through April 19, 2020 but has allowed courts to continue accepting new eviction filings during this time. Due to the CARES Act, however, landlords of certain properties will nonetheless not be able to file evictions for nonpayment of rent or other amounts due under the lease through July 24, 2020.

(See above FAQ: *Which properties are covered by the temporary moratorium on eviction filings and late fees under the CARES Act?*)

Absent an updated or new order by the Texas Supreme Court, or an action taken by local government to further limit evictions, Texas courts will be able to move forward with proceedings and deadlines for residential evictions beginning April 20, 2020. For the lifting of this suspension to impact properties covered by the CARES Act, the eviction suit would have had to be filed before March 27, 2020 (which is the date the CARES Act was enacted).

**Can a local government take action to limit evictions beyond the restrictions put in place by the CARES Act and the Texas Supreme Court?**

Yes, local governments may take action to limit evictions that goes beyond the actions taken by the CARES Act and the Texas Supreme Court. Therefore, it is important for property managers to continue to monitor actions taken by cities and counties relating to evictions.

Updated 3/30/20:

**Have residential evictions been put on hold statewide due to the coronavirus (COVID-19)?**

Yes, the Texas Supreme Court has suspended all proceedings and deadlines for residential evictions through April 19, 2020, with an exception for certain residential evictions involving an imminent threat of criminal activity or physical harm. The Court has also prohibited writs of possession from being posted or executed through April 26, 2020. And while this emergency order allows Texas courts to continue accepting new eviction filings, the CARES Act—passed by the federal government—prohibits landlords of certain residential properties from making such filings from March 27, 2020 through July 24, 2020 if the eviction is based on nonpayment of rent or other amounts due under the lease. Importantly, many residential properties (but not all) will be covered by both the CARES Act and the Texas Supreme Court order.

Furthermore, local governments may take action to limit evictions that goes beyond the actions taken by the Texas Supreme Court and the CARES Act. Therefore, it is important for property managers to continue to monitor actions taken by cities and counties relating to evictions.