

CARES Act Housing Rights

Isn't the CARES Act expired?

Partially. The CARES Act is a law that was passed in 2020 in response to the COVID-19 pandemic. It provided eviction protections for certain properties. Many of these eviction protections have expired. However, some are still in place, including additional notice requirements for protected tenancies.

Does the CARES Act apply to my tenancy?

The CARES Act applies if you currently live in a “covered property,” which includes:

- Properties with federally backed mortgage loans (1-4 units)
- Properties with federally backed multifamily mortgage loans (5 or more units)
- Public Housing
- Section 8 Housing Choice Voucher program
- VASH Voucher program
- Section 8 project-based housing
- Section 202 housing for the elderly (so long as there is an underlying Section 8 contract)
- Section 811 housing for people with disabilities
- Section 236 multifamily rental housing properties
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing
- HOME Investment Partnership properties
- Housing Opportunities for Persons with AIDS (HOPWA) properties
- McKinney-Vento Act homelessness program properties
- Section 515 Rural Rental Housing
- Sections 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants properties
- Section 538 multifamily rental housing properties
- Low-Income Housing Tax Credit (LIHTC) properties
- Rural Housing Voucher program tenancies
- Any program that provides federal housing assistance to veteran families, and transitional housing for victims of domestic violence, dating violence, sexual assault, or stalking
- Any other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance

Even if you do not participate in one of these federal programs, but there is at least one resident at the property who does, then the entire property is a “covered property” and everyone who lives there is entitled to CARES Act protections.



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How do I know if the property has a federally backed mortgage?

You can search online to see if the property has a federally backed mortgage from Fannie Mae and Freddie Mac, and HUD's database of FHA-insured mortgages. However, it's possible that your property has a federally backed mortgage and does not appear in these databases. Sometimes it is not possible to determine whether you are in a covered property without information from the property owner.

- Fannie Mae: <https://www.knowyouroptions.com/rentersresourcefinder>
- Freddie Mac: <https://myhome.freddie.mac.com/renting/lookup>
- HUD database:
https://www.hud.gov/program_offices/housing/mfh/hsgrent/mfhpropertysearch

I live in a covered property. What does that mean?

Typically, in California, a landlord can begin the process to evict a tenant for nonpayment of rent by serving a 3-day notice. Properties covered by the CARES Act will require a **30-day notice** instead. This could be presented as a combined 3/30-day notice, but either way the law requires 30 days before a landlord can file an eviction action in court.

Learn more about your rights for free by contacting the Legal Aid Society of San Diego.

CONTACT US:

1-844-449-3500

www.lasds.org/contact-us/