

CARES Act Structured Client Interview

Covered Property

1. What is the reason for eviction?
 - a. CARES Act protections only apply to nonpayment of rent cases.
 - b. Is the landlord's reason a mere pretext for nonpayment of rent?
2. Does client live in a "covered property":
 - a. Landlord has a "federally backed" mortgage or multifamily mortgage loan (e.g. FHA, USDA, VA, Fannie Mae, Freddie Mac); or
 - b. Property is covered by Violence Against Women Act, which includes any property that:
 - i. participates in a HUD program
 - ii. constitutes public housing
 - iii. participates in the Section 8 Housing Choice Voucher program
 - iv. participates in Section 8 project-based housing
 - v. is considered Section 202 housing for the elderly
 - vi. participates in Section 811 housing for people with disabilities
 - vii. participates in Section 236 multifamily rental housing
 - viii. participates in Section 221(d)(3) Below Market Interest Rate (BMIR) housing
 - ix. Participates in HOME
 - x. Participates in Housing Opportunities for Persons with AIDS (HOPWA)
 - xi. Participates in McKinney-Vento Act homelessness programs
 - xii. Participates in Section 515 Rural Rental Housing, Sections 514 and 516 Farm Labor Housing, or Section 533 Housing Preservation Grants
 - xiii. Participates in Section 538 multifamily rental housing
 - xiv. Participates in Low-Income Housing Tax Credit (LIHTC)
3. If yes to any, CARES Act applies. Sec. 4024(a).

Notice

4. Did landlord provide notice to vacate or file petition before July 25, 2020?
 - a. If yes, move to dismiss.
 - i. CARES Act Sec. 4024(c) prohibits landlords from serving notice to vacate prior to July 25.
 - ii. CARES Act Sec. 4024(b) prohibits landlords from initiating legal action to recover possession of the covered dwelling.

Fees

5. Does the complaint allege nonpayment of fees?
 - a. Were these fees assessed between March 27 and July 25, 2020 and related to nonpayment of rent?
 - i. If yes, Landlord is prohibited from assessing any fees during this time period. CARES Act Sec. 4024(b).

