

## **FAQs - IMPORTANT INFORMATION FOR HOUSING PROVIDERS DURING THE COVID-19 PANDEMIC**

Thanks to the [Tennessee Fair Housing Council](#) for originating this document - updated dates and local information have been added by [BLDG Memphis](#).

Q: My tenant has not paid rent. Can I evict them?

A: The short answer is No. However, different types of housing fall under different rules during this State of Emergency due to the COVID-19 pandemic. The CARES Act Eviction Moratorium applies to certain types of housing and under certain circumstances. The Tennessee Supreme Court has also issued an order halting evictions for non-payment of rent regardless of property type. See below to learn more about what may apply to your properties and tenants.

Q: How do I know if the CARES Act applies to my housing?

A: It depends. If you answer yes to either of the following two questions about your property or tenant, then the CARES Act applies to you and you may NOT evict a tenant for non-payment of rent.

1. Do you participate in any of the following programs, or does your tenant?

Department of Housing and Urban Development (HUD)

- Public housing (42 U.S.C. § 1437d)
- Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f)
- Section 8 project-based housing (42 U.S.C. § 1437f)
- Section 202 housing for the elderly (12 U.S.C. § 1701q)
- Section 811 housing for people with disabilities (42 U.S.C. § 8013)
- Section 236 multifamily rental housing (12 U.S.C. § 1715z-1)
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 1715l(d))
- HOME (42 U.S.C. § 12741 et seq.)
- Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. § 12901, et seq.)
- McKinney-Vento Act homelessness programs (42 U.S.C. § 11360, et seq.)

Department of Agriculture

- Section 515 Rural Rental Housing (42 U.S.C. § 1485)
- Sections 514 and 516 Farm Labor Housing (42 U.S.C. §§ 1484, 1486)
- Section 533 Housing Preservation Grants (42 U.S.C. § 1490m)
- Section 538 multifamily rental housing (42 U.S.C. § 1490p-2)
- Section 542 Rural Housing Voucher Program (42 U.S.C. § 1490r)

Department of Treasury

- Low-Income Housing Tax Credit (LIHTC) (26 U.S.C. § 42)

2. Is the property itself secured by a federally backed mortgage?

Q: Does this mean that I cannot evict a tenant for any reason?

A: No. The Federal Moratorium does NOT affect cases:

- That were filed before March 27, 2020
- That involve non-covered tenancies, or
- Where the eviction is based on another reason besides nonpayment of rent

Q: How long does this last?

A: If your property is a covered property as listed above, the moratorium lasts for 120 days from the date of enactment (March 27, 2020).

Q: I don't have a property that falls into any category listed above; can I evict a tenant for non-payment of rent?

A: No. Currently, the Supreme Court of Tennessee has [issued an order](#) that no judge, clerk, or other court official may take any action to effectuate an eviction, ejection, or other displacement from a residence between March 13, 2020 and May 31, 2020. This order may be extended.

It is also unlawful for a property owner to shut off utilities, change the locks, or otherwise make the housing unavailable during this time.

Q: Does this mean that I'm just out the money for rent during this time?

A: No. Tenants are ultimately responsible for the rent that accrues during this time and property owners must give proper notice before filing a detainer once the Court Order ends.

More information on resources available to property owners can be accessed at the National and Tennessee realtors' association pages here:

<https://www.nar.realtor/coronavirus-resources-for-property-owners>

<https://tnrealtors.com/covid19/>

## **FAQs - IMPORTANT INFORMATION FOR RENTERS DURING THE COVID-19 PANDEMIC**

Thanks to the [Tennessee Fair Housing Council](#) for originating this document - updated dates and local information have been added by [BLDG Memphis](#).

Q: I've lost my job because of the COVID-19 pandemic; do I have any rights?

A: Yes you do. The type of rights you have depends upon the type of housing in which you live.

### **Subsidized Housing**

On March 27, 2020, the President of the United States signed a law called The CARES Act Eviction Moratorium. It only applies to certain types of housing and under certain circumstances. The moratorium began March 27, 2020 and lasts until July 25, 2020.

Q: How do I know if the Act applies to my housing?

A: If you live in subsidized housing or tax credit housing then you are likely protected. This means that if your rent is based on your income, or if you live in housing that has income limits, you may be protected under this Act.

Examples of the types of housing covered are:

- Public Housing
- Section 8 Vouchers
- Project based Section 8
- Rural Development properties
- Tax Credit Properties
- Housing for the elderly or disabled

Q: How does this help me?

A: This means that your landlord may not file an eviction against you for non-payment of rent. In addition, they cannot charge you any fees, penalties or other charges related to non-payment of rent.

Q: Does this mean I can't be evicted at all?

A: No. You can be evicted for lease violations other than non-payment of rent; or if the landlord started the process before March 27, 2020; or if you don't live in a covered property.

Q: Do I still owe rent for this time period?

A: Yes. You will owe the rent amount for this time period.

### **Market Rate Housing**

Q: I live in a property where I pay all of my rent. Does this mean my landlord can evict me even though I lost my job due to the COVID-19 situation?

A: No. Currently, the Supreme Court of Tennessee has [issued an order](#) that no judge, clerk, or other court official may take any action to effectuate an eviction, ejection, or other displacement from a residence between March 13, 2020 and May 31, 2020. This order may be extended.

It is also unlawful for a property owner to shut off utilities, change the locks, or otherwise make the housing unavailable during this time. This always applies, but especially during this time.

### **Actions You Can Take**

Q: I've lost my job so what should I do?

A: There are several steps you should take:

- Contact your landlord immediately and let them know what is going on.
- If they say that you will have to move, explain the information that is written above.
- In Shelby County, call the Memphis Public Library information center at 211, or the United Way of the Mid-South Relief Call Center at 1-888-709-0630 for information on agencies that might have rental assistance or counseling.

You will have to think about your situation.

- Are you likely to go back to work when the Stay at Home order is lifted and your company reopens?
  - If yes, talk with your landlord and try to work out an arrangement that will allow you to make payments on the rent you will owe, in order to get caught up.
  - If no, and you don't know of any other jobs you will be able to get, you will need to make plans on what you will do. Your landlord is not required to allow you to remain if you cannot afford the rent once the deadlines pass.

For more local information on housing resources, you can visit Welcome Home Memphis at [www.home901.org](http://www.home901.org).