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Respect State Housing Laws Act

In March 2020, Congress enacted the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which included a temporary 120-day moratorium on evictions due to nonpayment of rent in federally-backed and federally-assisted housing (e.g., Section 8 and Enterprise-backed housing). The CARES Act also imposed a temporary, federal notice procedure, requiring at least 30-days' notice prior to filing for eviction at the height of the pandemic.

Because of ambiguous language in 15 U.S. Code § 9058 (c), the "CARES Act notice" remains a disputed issue in eviction courts today with some judges, even within the same jurisdiction, arguing that it should continue to be enforced, contrary to Congressional intent. This adds greater uncertainty to the eviction process imperiling rental communities and renters. The National Apartment Association (NAA) estimates this issue impacts 40 percent of rental housing nationally.

States' (or localities') established notice procedure, which is 6 days on average, should apply uniformly to all rent-related disputes. When judges rule that the CARES Act notice must be applied in eviction cases for covered housing, contrary to existing law, the result is housing providers accumulate more lost, potentially unrecoverable rent while both parties must wait for their day in eviction court. Impacted renters become increasingly unable to repay mounting rent debt, ultimately impacting their credit and future housing opportunities.

During the pandemic, public housing agencies (PHAs) and owners of housing subsidized through the U.S. Department of Housing and Urban Development (HUD) saw rental arrearages increase by 200 percent nationally. HUD's most recent financial data indicates rent debt has not returned to pre-pandemic levels, and PHAs and HUD-assisted housing providers continue to see significant financial impacts from nonpayment of rent,¹ exacerbated by the CARES Act notice.

This situation is untenable and particularly damaging for affordable housing communities. One affordable housing provider reported a rise in unpaid rent debt, increasing from a steady figure of \$9 million in 2019 to \$53 million as of the present day. Covered federally-backed or assisted rental communities commonly carry revolving, substantial rent debt which makes a "CARES Act property" much less desirable to investors and discourages utilization of important federal housing programs, giving renters and their families fewer, quality affordable housing options.

NAA urges Congress to pass the Respect State Housing Laws Act ([H.R. 1078/S. 470](#)). This legislation strikes the temporary, federal notice language from the CARES Act and returns eviction policies back to the states, eliminating any ambiguity about the requirement's expiration in 2020.

Learn more about the CARES Act Notice's impact on the eviction process on Page 2.

¹ <https://www.federalregister.gov/documents/2026/02/26/2026-03921/revocation-of-the-30-day-notification-requirement-prior-to-termination-of-lease-for-nonpayment-of>