



PRACTICAL CHALLENGES WITH THE CARES ACT EVICTION MORATORIUM

[The CARES Act](#) established a 120-day eviction moratorium for covered properties, prohibited late fees and penalties due to nonpayment of rent, and created a new 30-day “notice to vacate” requirement. Since the CARES Act moratorium expired, confusion persists about the notice to vacate provision in subsection (c) as to how it will affect existing notice procedures that vary widely by jurisdiction. This is just one of many examples of ambiguity in Section 4024 that must be modified in the next federal COVID-19 bill. The language is inconsistent with existing eviction laws, complicates compliance for housing providers, and interferes with efforts to help renters.

NAA/NMHC Viewpoint
Ambiguous language of the CARES Act moratorium must be modified in the next federal COVID-19 bill as it is inconsistent with existing eviction laws, complicates compliance for housing providers, and interferes with efforts to help renters.

The rental housing industry remains concerned about the notice to vacate provision as well as other ambiguous terms used in the CARES Act moratorium. According to a survey the National Apartment Association (NAA) conducted of its members, 91.7% of respondents found the notice to vacate requirement conflicting with local eviction laws or process, confusing and/or makes the process more complicated. The term “notice to vacate” itself has contrasting legal meanings depending on the jurisdiction, making this CARES Act requirement difficult to interpret in light of the unique eviction and termination of tenancy procedures across the country.

The next federal COVID-19 relief bill must include the following clarifications to reduce confusion in the courts and uneven application of the law. These revisions ensure that property owners can effectively manage their properties and continue to provide quality housing to the communities they serve during the crisis and beyond.

Importantly, these changes would not impact the moratorium’s renter protections and align with Congressional intent.

We urge Congress to:

- Clarify that the notice to vacate provision only applies to cases of nonpayment of rent related to outstanding balances that accrued during the 120-day moratorium.

- Provide a clear sunset date for the notice to vacate provision to expire 30 days after the 120-day covered period terminates. As the moratorium was intended, this is a temporary protection in light of the COVID-19 emergency, not a permanent change to eviction laws.
- Ensure housing providers can issue non-renewal and termination notices at the end of the lease term in accordance with applicable laws, which signify the tenancy is ending at the expected time.
- Allow notices and evictions to proceed based upon any lawful reason unrelated to nonpayment of rent. Housing providers should be able to use their only legal remedy to respond to renters' urgent concerns or retake possession of abandoned units. The latter ensures housing can be made available to renters in need during the crisis.

In addition to the revisions requested above, we urge Congress not to extend the federal eviction moratorium. A prolonged federal eviction moratorium applicable to all rental housing, as proposed in [H.R. 6800](#) (the HEROES Act) and similar federal bills, will not solve renters' ongoing financial insecurity which can only be stabilized with emergency rental assistance.

An eviction moratorium interrupts the [revenue needed](#) to pay employee salaries, mortgages, property taxes, maintenance, and utilities. This is especially damaging to smaller owners who provide the majority of rental housing. In the long term, outstanding balances compound month-after-month increasing the risk that renters will be unable to catch up and ultimately lose their housing, while the financial solvency of the property is in greater jeopardy. This scenario puts entire communities of renters at risk for displacement.

Rental housing providers continue to work with their residents impacted by COVID-19 on rent repayment arrangements, waive fees and connect them with social service resources. Eviction moratoria interfere with these good-faith efforts and housing providers' ability to ensure they have enough rental income to manage their properties. It is Congress' efforts thus far to provide robust financial assistance to households and businesses impacted by COVID-19 that have prevented widespread evictions and helped to ensure the continued viability of the rental housing industry.

As Congress considers additional COVID-19 relief and recovery efforts, we urge support for comprehensive and well-balanced housing policy that assists both residents and property owners. We remain committed to working with members of the House and Senate to achieve these goals.