|   | CA   | USE NO                                       |   | <u> </u>   |                                 |  |
|---|--|--|---|--|---------------------------------|--|
| nt in voven   |  | §  |   | JUSTIC   | E COURT                         |  |
| PLAINTIFF<br>VS.  |  | §  |   | PRECIN   | ICT TWO                         |  |
| DEPEND AND  |  | §  | (   | GILLESPIE COU  | JNTY, TX                        |  |
| DEFENDANT   |  |  |   | •  |                                 |  |
|   | <u>VERIFIC</u><br>WITH SECTI                                   |  | COMPLIAN<br>THE CARI                          |  |                                 |  |
| My name is:   |  |  |   |  | ·                               |  |
|   | First  | Mi   | ddle  | Last   |                                 |  |
| I am (check one) eviction case described facts stated in correct.                                   | cribed at the top  | of the page                                  | . I am capa                                   | ble of making th   | is affidavit.                   |  |
| Verification:   |  |  |   |  |                                 |  |
| Plaintiff is seeking  | g to recover posse   | ssion of the                                 | following pr                                  | operty:  |                                 |  |
| Name of Apartme   | nt Complex (if an  | y)   |   |  |                                 |  |
| Street Address &  | Unit No. (if any)  | City   | County  | State  | Zip                             |  |
| I verify that this property does<br>multifamily mortg<br>property, is not fee<br>rural housing prog | s not have a federa<br>age loan. This pr<br>derally subsidized | ally backed a<br>operty is no<br>under any I | mortgage loa<br>t a Low Inco<br>HUD, rental a | n or a federally b<br>me Housing Tax<br>assistance, housin | acked<br>Credit<br>ng grant, or |  |
| Signed on:  |  |  |   | <del></del>  |                                 |  |
|   |  | Sig  | gnature                                       |  |                                 |  |
|   |  | Pri  | nted Name                                     |  |                                 |  |
| SWORN TO AND  | SUBSCRIBED   | BEFORE M                                     | E on  |  | ·                               |  |
| Clerk of the Court  |  | No   | Notary Public, State of Texas                 |  |                                 |  |

## CARES Act Public Law 116-136

## Sec. 4024 TEMPORARY MORATORIUM ON EVICTION FILINGS.

- (a) DEFINITIONS.—In this section:
  - (1) COVERED DWELLING.— The term "covered dwelling" means a dwelling that—
    - (A) is occupied by a tenant—
      - (i) pursuant to a residential lease; or
      - (ii) without a lease or with a lease terminable under State law; and
    - (B) is on or in a covered property.
  - (2) COVERED PROPERTY.—The term "covered property" means any property that—
    - (A) participates in-
      - (i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)));
      - (ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or
    - (B) has a—
      - (i) Federally backed mortgage loan; or
      - (ii) Federally backed multifamily mortgage loan.
  - (3) DWELLING.—The term "dwelling"—
    - (A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and
    - (B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).
  - (4) FEDERALLY BACKED MORTGAGE LOAN.—The term "Federally backed mortgage loan" includes any loan (other than temporary financing such as a construction loan) that
    - (A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
    - (B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.
  - (5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term "Federally backed multifamily mortgage loan" includes any loan (other than temporary financing such as a construction loan) that—
    - (A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
    - (B) is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.
- (b) MORATORIUM.—During the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not-
  - (1) make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges; or
  - (2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.
- (c) NOTICE.—The lessor of a covered dwelling unit-
  - (1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and
  - (2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b).

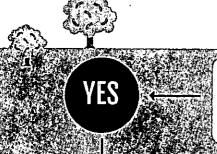
Landlords can go to the TDCHA website (<a href="https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm">https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm</a>) and click on "HTC Property Inventory (XLSX)" under Additional Guidance and Resources to search a database to determine if their property is subject to the LIHTC restrictions, and can go to <a href="https://nlihc.org/federal-moratoriums?ct=t%28update\_041720%29">https://nlihc.org/federal-moratoriums?ct=t%28update\_041720%29</a> to check their property against a multi-family housing database.



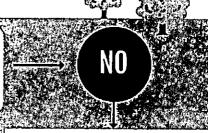
call 888-988-9996 for legal help M-F; 9 am to 5 pm CST

## CAN I BE EVICTED DURING **COVID 19 IN TEXAS?**

Information is current as of April 27, 2020, but likely to change in the coming weeks.



Are you being evicted for non-payment of rent, late fees, or other charges?



Do you live in any of the housing listed below?



Cases involving a threat of physical harm or criminal activity can proceed through the courts.

NOTE: Landlords must follow a court process to evict you. 😘 🧐



Does your landlord have a federally-backed mortgage?

YES



Evictions and late fees are banned until July 25, 2020 by the CARES Act if you:

- live in public housing
- live in Project-Based (Section 8) housing
- live in HUD-subsidized housing
- live in a tax credit or "LIHTC" housing
- have a "Section 8" voucher
- have a "Rural Development" voucher
- live in any other property covered by VAWA

No Notices to Vacate can be issued before July 25: After that; a 30-day Notice to Vacate is required.



Eviction proceedings are suspended statewide until at least May 18 and writs may not be executed until after May 25.

This date may be extended, and local laws may also add protections and longer suspensions.

Example: Tenants in Austin, Dallas and San Marcos have the right to catch up on their rent

Evictions and late fees are banned until July 25 by the CARES Act, if your 🚹 landlord has a mortgage through:

- HUD (including FHA)
- USDA
- Fannie Mae (try and call 1-800-232-6643 to check)
- Freddie Mac (try and call 1-800-373-3343 to check)

No notices to vacate can be issued before July 25. After that, a 30-day Notice to Vacate is required.



If you are concerned over whether you are covered, you can apply for our legal services (see top left).

You can also check out sites utexas edu/covid19rellef/ or trla:org/covid19 main for updates.



Self-help evictions are not allowed in Texas. Landlords must follow a court process.

Evictions begin with a notice, followed by a lawsuit in Justice Court, a hearing, an appeal if necessary, and finally a writ of possession (order to remove the tenant). You cannot be evicted without a court judgment!

this is legal information, not légal advice 🧺

D Texas RioGrande Legal Aid, Inc. 2020 Visit our website for more about our services during COVID-19: tria org/covid19-main 📥 🔎 Visit Texas Law Help for more information: texaslawhelp.org