

# HOME Investment Partnerships Program FAQs

Last Updated: May 1, 2020

Description:

This document contains the HOME Investment Partnerships Program FAQs posted on the HUD Exchange website (<https://www.hudexchange.info/home/>). The FAQs are organized by topic.

# **COVID-19 & CARES Act**

*The following FAQs provide guidance on Section 4024 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Section 4024 of the CARES Act imposes a temporary moratorium on evictions. The temporary eviction moratorium applies to covered dwelling units assisted by the HOME Program, as discussed below.*

On March 27, 2020, the president signed the [CARES Act \(P.L. 116-136\)](#) into law. Section 4024 of that legislation imposes a temporary moratorium on evictions. This moratorium went into effect immediately upon the enactment of the CARES Act on March 27, 2020 for 120 days.

### **Is HOME a “covered housing program” in the CARES Act (as defined in section 41411(a) of the Violence Against Women Act of 1994 (VAWA) (34 USC 12491(a)))?**

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Yes, HOME is a covered housing program in the CARES Act as defined by Section 34 USC 12491(a)(3)(E) of VAWA.

### **Does the CARES Act moratorium apply to covered dwelling units in HOME-assisted projects and units occupied by recipients of Tenant-Based Rental Assistance (TBRA)?**

Updated: May 1, 2020

Yes, the CARES Act eviction moratorium applies to HOME-assisted projects as well as dwelling units occupied by recipients of HOME TBRA.

### **Which HOME-assisted projects contain units that are covered by the CARES Act eviction moratorium?**

Updated: May 1, 2020

- Rental projects that received HOME assistance that are currently within the period of affordability (POA) specified in the HOME written agreement, including POAs imposed by the HOME written agreement that are longer than the HOME minimum POA required at 24 CFR 92.252(e)
- Rental projects that have a HOME loan within its term of repayment and secured on the property as a first or subordinate lien, regardless of whether the project is within the POA
- Homeownership projects containing rental units that received HOME assistance that are currently within the POA specified in the HOME written agreement, including POAs imposed by the HOME written agreement that are longer than the HOME minimum POA required at 24 CFR 92.254(a)(4)
- Homeownership projects containing rental units that have a HOME loan within its term of repayment and secured on the property as a first or subordinate lien

### **Does the CARES Act eviction moratorium apply to all the residential units in a HOME-assisted project?**

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For HOME-assisted projects, the CARES Act eviction moratorium applies to:

- HOME-assisted units in or on rental or homeownership properties that are currently within the POA specified in the HOME written agreement, including POAs that are longer than the HOME minimum period required at 24 CFR 92.252(e) or 24 CFR 92.254(a)(4). HOME-assisted units are participating in the HOME program and are covered dwelling units under Section 4024(a)(1) & (2)(A)(i) of the CARES Act.
- All residential rental units in or on properties (i.e. multifamily and multiunit single family) that have a HOME loan secured on the property as a first or subordinate lien, regardless of whether the project is within its POA. The residential rental units in or on the property are covered dwelling units under Section 4024(a)(1) & (2)(B) of the CARES Act.

## **How does the CARES Act eviction moratorium affect covered dwelling units in HOME-assisted projects or units with TBRA?**

Updated: May 1, 2020

For a period of 120 days, beginning on March 27, 2020 and continuing through July 24, 2020, an owner cannot:

- Make, or cause to be made, any filing with the court of jurisdiction to initiate an eviction (e.g., an unlawful detainer action, complaint) for nonpayment of rent or other fees or charges; or
- Charge fees, penalties, or other charges to the tenant related to nonpayment of rent.

If an owner did not provide the tenant with an eviction notice, including but not limited to a notice to vacate, quit, or terminate tenancy, for nonpayment of rent or other fees or charges before March 27, 2020, the owner may not issue such notice until after the 120-day period.

## **During the CARES Act 120-day eviction moratorium period, can fees related to nonpayment of rent accumulate and be charged to the tenant after the moratorium?**

Updated: May 1, 2020

No. Per Section 4024(b)(2) of the CARES Act, fees, penalties, or charges in relation to nonpayment of rent cannot be charged. Therefore, there should be no charges, penalties, or fees assessed for nonpayment of rent during the 120-day period.

## **During the CARES Act 120-day eviction moratorium period, can monthly rent and fees and other charges (except those related to nonpayment of rent) accrue and be charged to the tenant after the CARES Act moratorium ends?**

Updated: May 1, 2020

Yes, unpaid monthly rent and fees and other charges (except fees and charges related to nonpayment of rent) may accrue during the 120-day period and be charged to the tenant after the CARES Act 120-day moratorium period ends on July 24, 2020.

## **During the moratorium period, may owners evict tenants for lease violations that are not related to nonpayment of rent, fees, or charges?**

Updated: May 1, 2020

Yes, the CARES Act moratorium does not apply to evictions based on violations of permitted lease terms other than nonpayment of rent or other fees, penalties, and charges. However, the HOME regulations at 24 CFR 92.253 still apply to HOME-assisted units and TBRA units. Participating Jurisdictions (PJs) should also review their state and local laws, as many are also enacting their own moratoriums on evictions.

## **How should a PJ notify owners of the CARES Act eviction moratorium?**

Updated: May 1, 2020

A PJ should provide written notification to owners of HOME-assisted projects (including single-family properties with rental units) and TBRA units that the CARES Act prohibits the actions described above. In addition, PJs should direct project owners to provide tenants with information about their due process rights under the HOME Program and state/local laws and should encourage project owners to provide as much flexibility as possible to tenants with respect to repayment of delinquent rent payments after expiration of the moratorium.

**Will HUD issue additional guidance on the use of HOME funds in response to the COVID-2019 pandemic and application of the CARES Act?**

Updated: May 1, 2020

HUD will continue to update guidance on the use of HOME funds and the CARES Act as needed.