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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, applicable to federally backed and federally assisted housing. The CARES Act also instituted what should have been a temporary, federal notice procedure, requiring at least 30-days' notice prior to filing for eviction for nonpayment of rent in covered housing. This superseded states' or localities' established notice before filing which is 6 days on average.

Due to a drafting error in the legislation, however, this temporary emergency measure has remained in place long past the moratorium's expiration. It remains a disputed issue and contributes to the backlog in courts today.

Because of ambiguous language in 15 U.S. Code § 9058 (c), the Biden administration continued to enforce this requirement for covered housing contrary to Congressional intent that it terminated in 2020. Now, documentation from federal agencies is being used as evidence in court to challenge housing providers who did not provide 30-days' notice in this subset of eviction cases, instead of states' established notice procedure, or the local equivalent, which should apply uniformly to all rent-related disputes.

To date, only a handful of state courts have definitively ruled whether covered housing providers must give 30-day notice per the CARES Act. In most states, housing providers are subject to the discretion of the presiding judge even in the same jurisdiction.

The resulting confusion in courts leads to more lost, potentially unrecoverable rent for housing providers, while impacted renters become increasingly unable to repay mounting rent debt. This situation is particularly damaging for "mom-and-pop" and affordable housing providers and ultimately hurts residents' long-term housing opportunities.

The National Apartment Association 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. Congressional and Trump Administration actions are needed to eliminate any ambiguity about the requirement's expiration in 2020.

When enforcement of this requirement ends, tenant protections in states' landlord-tenant and eviction laws remain unaffected. Entirely separate from notice requirements before filing for eviction, renters receive notice guaranteed by state law prior to the execution of an eviction order, and they can continue to avail themselves of legal avenues to avoid eviction.