* **[Determining if a Property is a "Covered Dwelling" Under the CARES Act - Updated 2/14/21](https://www.tjctc.org/coronavirus.html)**

**What is a "Covered Dwelling"?**
In short, the Act applies to all housing programs such as public housing, project-based section 8, Housing Choice Vouchers, LIHTC, etc, as well as the rural voucher program and properties with federally-backed mortgages (HUD, Fannie Mae, Freddie Mac; more detailed definitions are in the Act).

If a property has some tenants to which these programs apply, the CARES Act will likely cover all tenants at that property, according to its plain language. This interpretation is not universally accepted, with many advocates taking this position, while HUD says that a "market rate property" that accepts vouchers is only covered for the tenants using the vouchers.

**Effects of the CARES Act**
While most of the provisions have expired, the provision requiring a 30-day notice to vacate has not expired. This provision requires a 30-day notice to vacate if the property is a covered dwelling **AND** the eviction is based on nonpayment.

**What Evictions are Not Affected by the Act?**
The CARES Act **does not** affect the following:

* + Commercial evictions;
	+ Eviction cases that were filed before March 27, 2020;
	+ Eviction cases with purely private landlords with none of the funding described above; or
	+ Eviction cases in which the grounds for eviction are not related to nonpayment.

**How Can it be Determined if a Property is a Covered Dwelling?**
Landlords can go to the TDCHA website [here](https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/index.htm) 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 [this website](https://nlihc.org/federal-moratoriums?ct=t%28update_041720%29) to check their property against a multi-family housing database.

Also, Texas RioGrande Legal Aid has composed a map that, while not exhaustive, has tremendous information on covered properties and may be accessed [here](https://trla.maps.arcgis.com/apps/Nearby/index.html?appid=1932f764d9254e9ebc28258d74cc8cbb). More resources for tenants and landlords related to the CARES Act are found on our SRL page, [www.tjctc.org/SRL](http://www.tjctc.org/SRL).