

Federal: Coronavirus Aid, Relief, and Economic Security (CARES) Act, 3/27/20

“(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).”

HPHA’s Rules, Policies, Procedures

Any process which requires prolonged face-to-face interaction with an applicant, tenant, or the general public should be avoided to the extent possible. HPHA shall instead use any available alternative means of communication (e.g., mail, email, telephone, video conference) to continue to provide and receive services. Employees are required to comply with guidance on social distancing, if meetings are absolutely necessary (e.g., tenant needs to sign a document).

No tenant shall be evicted for failure to pay rent. No tenant shall be assessed a late fee for failure to pay rent on time. Any late fee must be manually changed in the system by the AMP just prior to the rent run.

Tenants can continue to be referred for eviction based on health and safety violations. There is no moratorium on evictions for tenants who violate the rental agreement and create an unsafe environment for themselves, their guests, the general public, other tenants, or the staff.

AMPs should, to the extent possible, use alternative means of communication (e.g., telephone, email, video conference) to process a tenant’s request for reduced rent due to a loss of income expeditiously.

If a tenant fails to pay rent AND has not had any reduction in household income, the AMP should continue to send Notices of Violation. The NOV can state that the tenant has failed to pay rent and has failed to comply with the terms of the rental agreement. Residents can be required to participate in a teleconference meeting instead of the normal face-to-face meeting with the Manager. The NOV should not state that the tenant is being referred for eviction.

Tenants should not be referred for eviction for other lease violations, such as housekeeping or failure to control/clean up after their pet. However, AMPs can continue to send notices (2nd notice, 3rd notice, 4th notice, etc.) for violations of the rental agreement. After the 120-day moratorium, AMPs may send a final notice and proceed with referral for eviction.

If a tenant suffers a reduction or loss income due to loss of any work hours, wages, contributions, or self-employed income, the HPHA will modify how the minimum rent should be applied for duration of the 120-day moratorium issued in the CARES Act. AMPs should instead use the lower (rather than the higher) of the calculated rent or the minimum rent when the rent falls below the minimum rent amount. If you find that a tenant is inadvertently charged a late fee, please inform the tenant that it is an error and notify PMMSB immediately.

A tenant who suffers a reduction in benefits due to sanctions will be eligible to have their rent recalculated using the reduced amount, including waiving the minimum rent for the duration of the 120-day moratorium. After the moratorium is over, the tenant's rent can be calculated using the normal method (e.g., no reduction in rent due to sanctions).