



April 11, 2025

The Honorable Donald J. Trump President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

The undersigned national associations represent for-profit and non-profit owners, operators, developers, and property managers involved in the provision of rental housing, both affordable and conventional. We are writing you today to ask for your help to resolve a lingering, pandemic-era issue that adversely impacts rental housing operations and ultimately contributes to fewer quality, affordable housing options for America's renters—continued enforcement of the federal CARES Act "notice to vacate".

Persisting Challenges Related to the CARES Act Notice to Vacate

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 extension of states' notice procedure, requiring at least 30-days' notice prior to filing for eviction for nonpayment of rent in covered housing.

This superseded states' established notice procedure which is now, on average, 6 days, and impacts approximately 40 percent of rental housing across the U.S. The most common examples of "covered housing" are those that benefit from the Section 8 Housing Choice Voucher (HCV) program or the U.S. Department of Agriculture's (USDA) Rural Housing Service programs, and any multifamily housing with a Fannie Mae or Freddie Mac-backed mortgage.

Because of ambiguous language in the statute, the previous administration enforced the CARES Act notice to vacate requirement for covered housing contrary to Congressional intent that this be a temporary, emergency extension. 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.

Continued enforcement of the CARES Act remains a contested issue nearly five years after the federal eviction moratorium expired on July 24, 2020 and contributes to the backlog in eviction courts. This leads to more lost, potentially unrecoverable rent for housing providers and is

particularly damaging for “mom-and-pop” and affordable housing providers. At the same time, this requirement is bad for renters who are increasingly unable to repay mounting rent debt because of enforcement of this policy, ultimately worsening their credit and long-term housing opportunities.

We urge your support for the Respect State Housing Laws Act which strikes the temporary, notice to vacate language from the federal CARES Act and returns eviction policy back to the states. We also urgently need your Administration’s help to eliminate any regulatory ambiguity about this requirement’s expiration in 2020.

The Solutions

- ***Sign the Respect State Housing Laws Act (H.R. 1078/S. 470)*** When Congress passes the Respect State Housing Laws Act, we urge you to sign this important piece of legislation. A legislative fix is needed to strike the temporary, federal notice language from the CARES Act and return eviction policy back to the states. This language is the root cause of confusion in eviction courts.
- ***Clarify that the CARES Act notice to vacate requirement is no longer in effect for FHFA, HUD & USDA Covered Housing*** The Federal Housing Finance Agency (FHFA), U.S. Department of Housing and Urban Development (HUD) and USDA’s General Counsels should issue a legal opinion clarifying that the CARES Act 30-day notice requirement ended and enforcement actions should not be taken against covered properties.
- ***Withdraw FHFA’s CARES Act Notice Directive and 2025 Scorecard Requirement*** Long after the pandemic ended, FHFA continues to enforce its directive to the Enterprises arguing that multifamily borrowers have a strict obligation to adhere to the CARES Act 30-day notice requirement as part of the terms of their loan documents, which include the covenant “to comply with all laws, ordinances, rules, regulations and requirements of any Governmental Authority having jurisdiction over Mortgaged Property”. FHFA should withdraw this directive immediately.

FHFA should also withdraw its 2025 Scorecard requirement which sets the expectation that the Enterprises must “[e]nhance resident-centered practices, such as tenant protections, at Enterprise-backed multifamily properties”. Pursuit of federally mandated landlord-tenant requirements, including notice to vacate requirements, conflict with states’ established laws to protect both parties to leasing transactions and convolute housing providers’ compliance responsibilities. These policies jeopardize operational integrity and do not serve public interest.

- ***Rescind HUD’s 30-Day Notification Requirement Prior To Termination of Lease for Nonpayment of Rent Final Rule*** HUD mandated a 30-day notice before lease termination due to nonpayment of rent in Project Based Rental Assistance (PBRA) properties. This rule makes the flawed CARES Act notice procedure permanent for some HUD-assisted housing, setting a dangerous precedent for federal interference into states’

authority. HUD should rescind this rule to reduce the financial risk for housing providers and renters.

- ***Rescind USDA Rural Housing Service's (RHS) 30-Day Notification of Nonpayment of Rent in Multi-Family Housing Direct Loan Programs Final Rule*** RHS issued a final rule to amend its regulations for the Multi-Family Housing Direct Loans and Grants Programs to require that Section 515, 514, and 516 Multi-Family Housing program borrowers provide tenants with at least 30 days' notice prior to a lease termination or eviction action for nonpayment of rent, which the Agency asserts as statutorily required by the CARES Act. USDA/RHS should rescind this rule to reduce the financial risks to rural housing providers and their residents due to continued enforcement of this policy.

Thank you for considering our views on this matter. If we can be a resource to you on the above or any rental housing issue, please do not hesitate to reach out to us. We look forward to exploring opportunities for collaboration and learning how we can support your housing goals.

Sincerely,

Council for Affordable & Rural Housing

Institute of Real Estate Management

Manufactured Housing Institute

National Affordable Housing Management Association

National Apartment Association

National Association of Home Builders

National Association of Realtors

National Leased Housing Association

National Multifamily Housing Council

Cc: Office of Management and Budget

FHFA

HUD

USDA

Rural Housing Service

Fannie Mae

Freddie Mac