

April 19, 2024

The Honorable Patrick McHenry
Chair
House Financial Services Committee

The Honorable Maxine Waters
Ranking Member
U.S. House Financial Services Committee

The Honorable Warren Davidson
Chair
Subcommittee on Housing and Insurance
House Financial Services Committee

The Honorable Emanuel Cleaver II
Ranking Member
Subcommittee on Housing and Insurance
House Financial Services Committee

RE: H.R. 802, The Respect State Housing Laws Act

Dear Chair McHenry, Ranking Member Waters, Chair Davidson, and Ranking Member Cleaver:

We write to express our opposition to H.R. 802, the Respect State Housing Laws Act, which appeared on the April 17th agenda for full Committee markup.

The CARES Act 30-day notice requirement is a critical tool for preventing the harms that evictions inflict upon tenants, their families, and their communities. Pre-filing eviction notice periods give tenants the time to obtain assistance to pay their rent. They also reduce the rates at which housing providers serially file evictions as a means of collecting unpaid rent. Moreover, a longer notice period can give individuals time to access homelessness prevention services.¹

The protective nature of the CARES Act is even stronger in states like Maryland and West Virginia, where landlords are not required to give any notice in cases of evictions for nonpayment of rent.² For tenants in these states, the time provided by the CARES Act eviction notice requirement can mean the difference between staying housed or being rendered homeless due to eviction.

Outside of these states, tenants in covered properties rely on the CARES Act's notice requirement, and judges have consistently upheld its continuing effectiveness, including in the following states: California, Colorado, Florida, Indiana, Iowa, Michigan, Minnesota, Nebraska,

¹ In a California statewide study of people experiencing homelessness, a significant number of participants entered homelessness because they fell behind on their rent. Margot Kushel, MD & Tiana Moore, PhD, *California Statewide Study of People Experiencing Homelessness*, UCSF Benioff Homelessness and Housing Initiative, 34 (2023). Under California law, the eviction notice period for nonpayment of rent is 3 days, a period so abbreviated that it is nearly impossible for homelessness services providers to identify households at risk of losing their housing, much less take effective intervention measures. *Id.*

² Legal Services Corporation. 2021. Eviction Laws Database: State/Territory Dataset. Prepared by the Center for Public Health Law Research at Temple University's Beasley School of Law for Legal Services Corporation. Washington, DC.

Ohio, Oklahoma, New York, Washington, and Vermont.³ State courts have also taken administrative actions, such as issuing orders and adopting court rules, to ensure the CARES Act 30-day notice provision remains a permanent protection for tenants of covered properties in states like Vermont and New Jersey.⁴

Federal agencies have also acted to ensure that tenants receive the standard eviction notice periods within the federal housing programs rather than a patchwork of different notice periods under differing state laws.⁵

Because preserving the CARES Act 30-day eviction notice requirement would help promote consistency and prevent unnecessary evictions and homelessness within the covered federal programs, we oppose H.R. 802.

If you have any questions, please reach out to Noelle Porter, Director of Government Affairs, nporter@nhlp.org.

Sincerely,

National Housing Law Project

³ See _____ v. _____, No. _____ (Cal. Sup. Ct., Sonoma Cty. Nov. 9, 2023); Newcastle Lake LLC v. Carmichael, No. 2020-005609-CC-20 (Fla. Cir. Ct. 11th Cir. Miami-Dade County Oct. 21, 2020); MIMG CLXXII Retreat on 6th LLC, v. Miller, No. SCSC261751 (Iowa Dist. Ct. Mar. 26, 2023); Moumouni v. Weedall, No. 2023-LT-0001786 (Mich. Dist. Ct. July 31, 2023); Grendahl Park II LLC, v. _____, No. 27-CV-HC-23-3932 (Minn. Dist. Ct. 4th Dist. June 30, 2023); The Redwell LLLP v. _____, No. 27-CV-HC-22-6607 (Minn. Dist. Ct. 4th Dist. Feb. 13, 2023); MIMG LXXIV Colonial, LLC v. Ellis, No. CI 22-9354 (Neb. Dist. Ct. May 17, 2023); Bazer v. Hammon, No. CI 20-6908 (Neb. Dist. Ct. Nov. 20, 2020); New Prospect NY LLC v. Garcia, No. L&T Index # 313647-23/BX (N.Y. Civ. Ct. Dec. 28, 2023); Andrews Plaza Housing Associates LP v. Rodriguez, No. L&T Index # 310838-23/BX (N.Y. Civ. Ct. Aug. 15, 2023); Watson v. VICI Community Development Corp., No. CIV-20-1011-F, 2022 WL 910155 (W.D. Okla. Mar. 28, 2022) (unpublished); Tolstoi v. Davis, No. 21-CV-03673 (Vt. Sup. Ct. Jan. 26, 2022).

⁴ See Vt. R. Civ. P. 9.2(b) (providing that an eviction complaint must “contain or be accompanied by a declaration showing either compliance with the 30-day notice requirement of the CARES Act . . . or that the dwelling from which the plaintiff seeks to evict the tenant is not located on or in a ‘covered property’”; see also New Jersey Directives Dir. 21-21 at 2 and attachment 9 at 21-22 (Aug. 23, 2021), New Jersey Request for Residential Warrant of Removal (CN 12836, 2022) (landlords must certify compliance with CARES Act notice requirement).

⁵ Letter from Sandra L. Thompson, Federal Housing Finance Agency to Diane Yentel, National Low Income Housing Coalition and Shamus Roller of National Housing Law Project (Sept. 14, 2022) (noting that FHFA has required Fannie Mae and Freddie Mac to include in both existing and future loan agreements a 30-day notice to vacate at multifamily properties with mortgages backed by the GSEs); Email from RD, “Multifamily Housing Leasing Policies and Emergency Rental Assistance” (Mar. 12, 2021) (noting that the 30-day notice “protection is not time limited by the CARES Act and does not expire”).