



May 29, 2020

**UPDATE #20**  
**EVICCTIONS IN TENNESSEE AS OF JUNE 1, 2020**

Friends:

First, the good news. Beginning Monday, June 1, 2020, the state of Tennessee is permitting landlords to file all types of evictions (rent and conduct). Now the bad news, if the detainer warrant is for nonpayment of rent and your property is subject to the CARES Act, a detainer may not be filed at this time.

In other words:

- (1) If your property is not covered by the CARES Act you MAY proceed with ALL types of evictions.
- (2) If your property is covered by the CARES Act:
  - a. You MAY NOT file a RENT EVICTION right now, but
  - b. You MAY file evictions for reasons OTHER THAN NONPAYMENT OF RENT (i.e. conduct, lease expiration)

Over the last two months, I have sent several updates regarding the CARES Act. By this time, most properties know if they fall under the Act. If your property is a “Violence Against Women Act (VAWA) Covered Property” you are certainly covered by CARES. I have attached a list of VAWA Covered Properties as *Appendix A* to this letter.

If your property has a “federally backed mortgage” or “federally backed multifamily mortgage,” you are subject to CARES. A list of these programs are found at *Appendix B*. If you are not sure whether your mortgage is “federally backed,” you should contact your lender.

There are databases that have been set up by various groups (primarily tenant organizations) that provide information on whether a property is covered by CARES. One of the most comprehensive databases is run by the National Low Income Housing Coalition. This database provides CARES Act information for apartments, but does not include single family homes. The database can be found at [www.nlihc.org](http://www.nlihc.org).

I know this can be confusing. If you have questions, do not hesitate to contact our office.

Sincerely,

*Mike*

Michael J. King

Dwight E. Tarwater<sup>1</sup>

Thomas A. Bickers<sup>1</sup>

John W. Elder<sup>1\*2\*3</sup>

Michael J. King<sup>1\*4</sup>

Taylor A. Williams<sup>1</sup>

Catherine W. Anglin<sup>1</sup>

Lindsey M. Collins<sup>1</sup>

Barbara K. Doolittle<sup>1\*5</sup>

Kendell M. Garrett<sup>1</sup>

Thomas H. Jarvis<sup>1</sup>

Kelsey C. Osborne<sup>1\*6</sup>

Donald F. Paine  
(1939 - 2013)

<sup>1</sup> Licensed in Tennessee

<sup>2</sup> Licensed in Illinois

<sup>3</sup> Licensed in New York

<sup>4</sup> Licensed in North Carolina

<sup>5</sup> Licensed in Pennsylvania

<sup>6</sup> Licensed in Texas

## **Appendix A**

### **VAWA Covered Properties**

**Any property that participates in a covered housing program** (as defined in Section 41411(a) of the Violence Against Women Act of 1994 – 34 U.S.C. 12491(a))

- Public housing
- Section 8 Housing Choice Vouchers
- Section 8 project-based housing
- Section 202 housing for the elderly
- Section 811 housing for the disabled
- Section 236 multifamily rental housing
- Section 221(d) Below Market Interest Rate
- Housing Opportunities for People with AIDS (HOPWA)
- McKinney-Vento Act programs
- Rural Development Multifamily Housing
- Low-Income Housing Tax Credit properties
- HOME Investment Partnership

## **Appendix B**

### **“Federally Backed Mortgage Loans” and “Federally Backed Multifamily Mortgage Loans”**

Properties that have a “federally backed mortgage loan” or a “federally backed multifamily mortgage loan” include:

- Mortgage loans through Freddie Mac or Fannie Mae;
- Loans guaranteed, directly provided by, or insured by HUD;
- Loans guaranteed, directly provided by, or insured by the FHA;
- Loans guaranteed, directly provided by, or insured by the Department of Veterans Affairs (VA);
- Loans guaranteed, directly provided by, or insured by the Department of Agriculture (USDA);
- Loans guaranteed under HUD’s Native American or Native Hawaiian Home Loan Guarantee programs.

NOTE: The CARES Act definitions of “Federally Backed Mortgage Loan” and “Federally Backed Multifamily Mortgage Loans” are very broad and include any loan “that is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.” The Department of Housing and Urban Development has not issued any regulatory guidance on the precise mortgage programs covered by CARES. The list set forth in this appendix is based on the House Financial Services Committee’s “Frequently Asked Questions” issued on April 1, 2020.