



**VERIFICATION OF COMPLIANCE
WITH CARES ACT**

Case No. _____
Court _____
County _____
Division _____

PLAINTIFF

VS.

DEFENDANT

Name

Address

In support of the attached eviction filing related to the property located at: _____
Address

and in compliance with Kentucky Supreme Court Administrative Order 2021-02, Plaintiff submits this Verification:

1. I certify that I am the Plaintiff in the above-referenced case and I have investigated whether the property identified above is a "covered dwelling" under Section 4024 of the Coronavirus Aid, Relief and Economic Security (CARES) Act or is a property for which the borrower of a federally backed multifamily mortgage loan has received a mortgage forbearance under Section 4023 of the CARES Act.

My investigation included (*Identify any database(s), websites, or any other information you have used, or specific contacts you have made with, e.g., the owner or borrower, federal agencies, mortgage servicer(s), or any others*):

2. **Select Option A, B, C, D, or E below and complete all information under that Option.** [Applicable definitions are attached.]

- A. The property is not a "covered dwelling" under Section 4024 of the CARES Act and is not a property for which a multifamily borrower has received a mortgage forbearance under Section 4023 of the CARES Act.
- B. The property is a "covered dwelling" under Section 4024 of the CARES Act; however, this eviction action is for a reason(s) other than nonpayment of rent or fees, penalties, or other charges related to nonpayment of rent.
- C. The property is a "covered dwelling" under Section 4024 of the CARES Act and this eviction action is for nonpayment of rent or fees, penalties, or other charges related to nonpayment of rent. (*Complete the following.*)
 - Tenant was provided 30 days' notice to vacate as required by Section 4024 of the CARES Act. See attached notice, provided to Tenant on _____, 20____. (*Attach notice.*)AND
 - Tenant is not being charged fees, penalties, or other charges related to nonpayment of rent that accrued during the period between March 27, 2020, and July 25, 2020.
- D. Mortgage forbearance was granted to the borrower of a federally backed multifamily mortgage loan on this property under Section 4023 of the CARES Act; however, this eviction action is not solely for nonpayment of rent or fees, penalties, or other charges related to nonpayment of rent.

- E. Mortgage forbearance was granted to the borrower of a federally backed multifamily mortgage loan on this property under Section 4023 of the CARES Act and this eviction action is solely for nonpayment of rent or fees, penalties, or other charges related to nonpayment of rent. *(Complete the following.)*
 - Plaintiff filed this case after the expiration of the forbearance period granted to the multifamily borrower under Section 4023 of the CARES Act. Date of expiration: _____, 20____.
AND
 - Tenant was provided 30 days' notice to vacate as required by Section 4023 of the CARES Act. See attached notice, provided to Tenant on _____, 20____. *(Attach notice.)*
AND
 - Tenant is not being charged fees, penalties, or other charges related to nonpayment of rent that accrued during the period of forbearance.

I declare under the penalty of perjury that I have read or have had read to me the statements contained in this Verification and that they are true, complete, and accurate to the best of my personal knowledge. Further, I understand that filing an eviction action that does not meet the criteria of any one of the options above could result in sanctions, up to and including dismissal, award of attorneys' fees, and any other sanctions the court deems appropriate.

_____, 2____
Date

Plaintiff's / Attorney's Signature

Printed Name

Title / Position

Address

() _____
Phone no.

() _____
Alternate phone no.

Email address

CARES Act
Public Law 116-136
Explanation of Terms

SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) DEFINITIONS.—In this section:

(1) COVERED DWELLING.—The term “covered dwelling” means a dwelling that—

(A) is occupied by a tenant—

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B) is on or in a covered property.

(2) COVERED PROPERTY.—The term “covered property” means any property that—

(A) participates in—

(i) a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12 12491(a))); or

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r); or

(B) has a—

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term “dwelling”—

(A) has the meaning given the term in section 802 of the Fair Housing Act (42 U.S.C. 3602); and

(B) includes houses and dwellings described in section 803(b) of such Act (42 U.S.C. 3603(b)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1 to 4 families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) 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 a housing 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.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) 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 a housing 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.

For purposes of Section 4024(a)(2), a “**covered property**” includes any property that participates in any of the following programs or receives funding from any of the following sources:

Rural Housing Voucher Program (42 U.S.C. 1490r)

VAWA Covered Housing Programs:

Department of Housing and Urban Development (HUD)

- Public housing (42 U.S.C. § 1437d)
- Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f)
- Section 8 project-based housing (42 U.S.C. § 1437f)
- Section 202 housing for the elderly (12 U.S.C. § 1701q)
- Section 811 housing for people with disabilities (42 U.S.C. § 8013)
- Section 236 multifamily rental housing (12 U.S.C. § 1715z-1)
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 1715l (d))
- HOME (42 U.S.C. § 12741, et seq.)
- Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. § 12901, et seq.)
- McKinney-Vento Act homelessness programs (42 U.S.C. § 11360, et seq.)

Department of Agriculture

- Section 515 Rural Rental Housing (42 U.S.C. § 1485)
- Sections 514 and 516 Farm Labor Housing (42 U.S.C. §§ 1484, 1486)
- Section 533 Housing Preservation Grants (42 U.S.C. § 1490p-2)

Department of Treasury

- Low-Income Housing Tax Credit (LIHTC) (26 U.S.C. § 42)

For purposes of Section 4024(a)(2), a “**federally backed mortgage loan**” is any loan that is secured by a first or subordinate lien on residential real property designed for the occupancy of one or more families and 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 a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation (“Freddie Mac”) or the Federal National Mortgage Association (“Fannie Mae”).

SEC. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES WITH FEDERALLY BACKED LOANS.

(F) DEFINITIONS.—In this section:

- (2) **FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.**—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—
- (A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and
 - (B) 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 a housing or related program administered by any such other officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association.