
Plaintiff

vs.

Defendant(s)

Case No. _____
CAREs Act / 15 U.S.C. § 9058¹
Thirty-Day Notice in FED Case
Declaration of Facts

The declarant must choose at least one of the following:

1. **Plaintiff (himself/herself or through an authorized agent)** on _____, 20____, **gave notice to the tenant(s) to vacate the premises** which date was at least 30 days prior to filing the Complaint. 15 U.S.C. § 9058(c); *Olentangy Commons Owner, L.L.C. v. Fawley*, 10th Dist., 2023-Ohio-4039.
2. **Plaintiff is not required to provide a 30-day notice.** The premises were not designed or intended to be occupied as a residence. The premises were not occupied as a residence at the time of the complaint.²
3. **Plaintiff is not required to provide a 30-day notice.** The dwelling is not a “covered property” as defined in 15 U.S.C. § 9058(a)(2) because BOTH of the following are true:
 - a. Neither the property nor any tenant participates in or receives subsidies or benefits under any federal housing program; AND³
 - b. The property is not subject to a mortgage issued, guaranteed, securitized, backed, or assisted in any way by Fannie Mae, Freddie Mac, Federal Housing Administration, HUD, Department of Veterans Affairs, USDA, or other federally backed mortgage.⁴

I, _____, make this declaration for use in this legal proceeding and I verify that the facts set forth above are true and complete to the best of my knowledge, information, and belief.

Date





Signed by Plaintiff/Owner Manager/Agent Plaintiff Atty SCN

Certificate of Service. On _____, 20____, I delivered a copy to counsel for Plaintiff(s) Defendant(s) by hand delivery ordinary mail facsimile email _____
 to the clerk for service with the complaint & summons.

A Magistrate Bunner\Forms-Civ\LandlordTenant\Cares Act Declaration 20240523.docx

 Plaintiff/Owner Manager/Agent Plaintiff Atty SCN

Internet Look-up Tools for common securitized mortgage loans (non-exhaustive)

Single Family Freddie Mac Lookup 	Single Family Fannie Mae Lookup 
 Multi-Family Freddie Mac Lookup	 Multi-Family Fannie Mae Lookup

Notes

1. 15 U.S.C. § 9058 CARES Act.
 - 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 12491(a) of title 34); or
 - (ii) the rural housing voucher program under section 1490r of title 42; 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 3602 of title 42; and
 - (B) includes houses and dwellings described in section 3603(b) of title 42.
 - (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.
 - b. Moratorium. . . .
 - 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
2. A “dwelling” includes any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land offered for sale or lease for the construction or location thereon of any such structure or portion thereof. 15 U.S.C. § 9058(a)(3), 42 U.S.C. § 3602(b). A tenant is 1(a): one who has the occupation or temporary possession of lands or tenements of another; specifically : one who rents or leases a dwelling (such as a house) from a landlord, or (b): one who holds or possesses real estate by any kind of right; or 2. one who is an occupant or dweller. Merriam Webster College Dictionary, 4th ed.
3. Including, but not limited to the following
 - a. Public housing
 - b. Project Based Section 8 housing
 - c. Section 202 elderly housing
 - d. Section 811 housing for people with disabilities
 - e. Section 236 multifamily rental housing
 - f. Section 221 Below Market Rate (BMR) housing
 - g. HOME Investment Partnership Program
 - h. Housing Opportunities for Persons with AIDS (HOPWA) Program
 - i. McKinney-Vento Act housing
 - j. Section 515 USDA rural housing
 - k. Section 514/516 USDA farm labor housing
 - l. Section 533 USDA housing preservation
 - m. Section 538 USDA multifamily housing
 - n. Low-Income Housing Tax Credit (LIHTC) Program
4. Including, but not limited to property now encumbered by a mortgage loan for which payments were subject to forbearance pursuant to federal law or that was issued, guaranteed, securitized, or assisted in any way by any of the following:
 - a. Federal Housing Administration (FHA)
 - b. Veterans Administration (VA)
 - c. U.S. Dept. of Agriculture (USDA, direct or guaranteed loan)
 - d. Federal National Mortgage Association (Fannie Mae)
 - e. Federal Home Loan Mortgage Corporation (Freddie Mac)