

# CARES ACT AFFIDAVIT

1. The undersigned is the lessor, plaintiff or agent of the plaintiff in the civil action for recovery of possession of a dwelling located in Greene County, Missouri at the address of:

\_\_\_\_\_.

2. I have knowledge that the Coronavirus Aid, Relief and Economics Security Act (CARES Act) places a temporary moratorium on the initiation of legal actions against tenants to recover possession of covered dwellings from March 27<sup>th</sup> until July 25<sup>th</sup>, 2020, and I am prohibited from filing a petition against a tenant to recover possession for nonpayment of rent if the dwelling is a “covered property” as that term is defined in the CARES Act.

3. I understand that the terms “covered dwelling” and “covered property” are defined in the CARES Act as follows:

(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.

4. I hereby state under oath that the accompanying petition for possession is not subject to the CARES Act moratorium because the property is not a “covered dwelling” or the petition does not seek possession of the dwelling based upon the nonpayment of rent or other fees.

The undersigned being first duly sworn, states that (he)(she) has read the foregoing affidavit, and the facts herein stated are true. A knowingly false statement in this affidavit may be punishable by law.

\_\_\_\_\_ (Signature)

Title: \_\_\_\_\_

\_\_\_\_\_ (Print Name)

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary or Clerk of the Greene County Circuit Court

*Signature must be witnessed by a notary or court clerk.*