

The Arkansas Fair Housing Commission held a Town Hall Meeting on Thursday, April 23, 2020 to discuss COVID-19 and its effect on Arkansas Communities. Executive Director, Leon Jones, Jr. opened the floor for participants to get answers to their questions. In this document you will find useful questions and answers that were discussed during this meeting.

### **AFHC COVID-19 Q&A:**

**Q:** Has AFHC had any issues regarding landlords failing to provide reasonable accommodations for COVID-19?

**A:** AFHC has not received any issues as of today. We have not had any cases regarding the lack of reasonable accommodations from COVID-19.

**Q:** How do tenants apply for relief?

**A:** Tenants do not apply for relief. The owner of the property can receive forbearance through the lender for up to 90 days. It is up to the owner of the property to make those arrangements with the lender.

**Q:** Has AFHC fielded any complaints from tenants who feel that they are being discriminated against by landlords for having COVID-19 symptoms.

**A:** AFHC has not fielded any complaints of this type in Arkansas.

**Q:** Are market rate facilities or non-HUD funded properties included in this protection?

**A:** No, only FHA funded properties are covered.

**Q:** Is this a blanket non-eviction process? What issues other than non-payment are covered including property damage, drug use, etc.?

**A:** Market rate, non-HUD properties can go through the eviction process. Check with your local jurisdiction to make sure no hold is currently placed on civil evictions at this time.

**Q:** Are Section 8 assistance tenants included in the HUD Moratorium?

**A:** Yes, Section 8 tenants are included.

**Q:** Does the moratorium include anything other than non-payment issues? For example, tenants tearing up the property, misuse of drugs, tenants staying past their lease term, etc.?

**A:** If the lease is still in full effect, landlords can operate under the terms of that lease if the property is not a HUD funded property.

**Q:** Are courts open to accept eviction paperwork?

**A:** "Please see the document 'Arkansas Supreme Court Per Curiam' posted on [www.fairhousing.arkansas.gov](http://www.fairhousing.arkansas.gov) and the Arkansas Fair Housing Commission Facebook page, to determine what courts are accepting eviction paperwork by Arkansas counties."

**Q:** What day did the 120 days Moratorium become effective?

**A:** March 27, 2020 the Moratorium went into effect.

**Q:** What are some examples of accommodations that a tenant who has pre-existing conditions, such as a heart condition or a condition that impacts their breathing, could request if they are facing eviction and they are not in a unit covered by the CARES Act? Can they request more time to move?

**A:** Tenants with conditions with no accommodations prior to this can still request accommodations. Tenants that have known pre-existing conditions with prior accommodations on file, can still request additional accommodations. They may ask for extended move time in either case.

**Q:** In Jonesboro, Judge Wilson issued a moratorium on any filing of evictions, does this apply to non-HUD properties?

**A:** Yes, whatever time rewarded by the judge does apply to non-HUD properties.

**Q:** Can landlords put in a small claim based on failure to pay?

**A:** This depends on your local jurisdiction. If courts are open and accepting virtual hearings, it is appropriate (outside of the moratorium on evictions for HUD assisted housing). Please check your local courts.

**Q:** Are there any red flags AFHC is seeing that teams who manage properties should be cognitive of at this time?

**A:** No, although AFHC recommends you use your best judgement when entering a tenant's home. Also contact a lawyer to learn more about your rights as a landlord or tenant.

**Q:** If renters can't be evicted, are they still responsible for full payment at a later date? Does the moratorium mean free rent?

**A:** No, a hold on evictions does not mean free rent under the moratorium or forbearance. Landlords will need to work with tenants on the details of repayment.

**Q:** What is the length of the CARES Act?

**A:** The CARES Act will be in effect from March 27, 2020 – December 21, 2020 OR until President Trump declares the emergency is over.

**Q:** Little Rock Housing Authority is receiving notices from voucher holders stating that landlords are filing evictions for nonpayment of rent. What can the housing authority do or what information can we provide to assist these tenants in regard to stopping the landlord's efforts?

**A:** Housing Authorities should inform all landlord's that evictions are on hold for 120 days beginning March 27, 2020. Landlord's should work with their banks to receive a forbearance of their mortgages for up to 90 days to give them relief.

**Q:** Do tenants have any rights in terms of not allowing services to be done based on fear of contact with COVID-19?

**A:** Use your best judgment with maintenance request. Seek legal advice to learn more about tenant and landlord rights.

**Q:** What is the proper procedure for management if a resident test positive for COVID-19? Whose responsibility is it to notify the public? Once the public has been notified a positive test was in their area, how does management field those inquires without violating fair housing laws?

**A:** Contact the Department of Health to find out procedure for someone who has tested positive for COVID-19. Until you all learn more, advise them to self-quarantine.

**Q:** When the 120 days end and the disaster is declared to be over, when are tenants expected to repay those debts?

**A:** All rules reset back to what they originally were after the 120 days end on the CARES Act. It is between the tenant and landlord to work out the details of repayment.