



Tenant's Rights and COVID-19

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IMPORTANT!

- This information is current as of 4/7/2020 but things are rapidly changing!
- There is a lot of misinformation floating around regarding tenant protections in the media, so please double check your sources before relying on information.

Eviction Protections: Federal

- 3/27/20: The Coronavirus Aid, Relief, and Economic Security Act “CARES Act”
 - Imposes a 120 day moratorium for non-payment of rent evictions in “covered” properties. (Does not have to be explicitly COVID-19 related)
 - At expiration, housing providers must give a 30 day notice to tenant to evict for non-payment (cannot be served during the moratorium)
 - Also prohibits any fees or late charges related to the non-payment

Eviction Protections: Federal

“Covered Housing”

1) Property that “participates in” programs subject to VAWA:

- All HUD Programs, including: public housing, section 8 housing choice vouchers, project-based section 8, project based vouchers
- Low-Income Housing Tax Credit
- Department of Agriculture housing and Rural Housing Voucher Program

Or

2) Tenants in housing backed by a federally backed mortgage/multifamily loan (HUD, VA, USDA or Fannie Mae or Freddie Mac loan)

Eviction Protections: Federal

Only applies to new evictions.

Does not apply to:

- Evictions filed before the moratorium took effect
- Evictions for other reasons
- Evictions in non “covered” properties

Should not allow “no-cause” evictions

Applies to properties “participating in” programs subject to VAWA giving whole property protection.

Eviction Protections: State and Local

- A “patchwork” of protections. Very important to check the specific language.
- Here are some general themes seen in many of these laws:
 - Protections extend only to non-payment evictions related to COVID-19.
 - Most of these laws require proof of COVID-19 related reduction in income or other hardship.
 - Some laws have complicated/counterintuitive procedural requirements
 - Exceptions for criminal activity/violence
 - These laws were written quickly and may contain ambiguities and may leave out some types of housing.

Best Practices for State and Local Moratoria

- Prohibit evictions for any reason (not just COVID-19)-important public health policy
 - Avoid complicated and burdensome procedural requirements, in-person hearings
- Ensure protections extend to different types of tenancies (ie. mobile homes)
- Prohibit the service of any notice during the moratorium
- Stay all pending evictions to ensure defendants are not prejudiced in their ability to redeem the tenancy or defend against the claim due to social distancing measures
- Prohibit the filing of new evictions.
- Address what will happen after the moratorium is lifted:
 - Any rent debt accumulated during this time should not form basis of eviction
 - Give tenant reasonable terms to pay back

Evictions: Reasonable Accommodations

- Infection/Exposure to COVID-19 can constitute a disability-impacts ability to work, care for oneself, breathe, etc.
- Underlying disability making someone more susceptible to serious illness with exposure could also form the basis of a reasonable accommodation
- Examples of Requests: payment-plan to pay rent due to loss of income from getting sick, delay inspection, change to guest policy, more time to address housekeeping.

- Types of Relief:
 - Foreclosure moratorium
 - Temporary mortgage payment relief (“forbearance”)
- Some states have announced measures to help mortgage borrowers. (See link in resources)

Emergency Relief for Homeowners with Mortgages – Key Takeaways

- Federal actions so far only apply to federally backed mortgage loans = about 70% of all single-family loans.*
- Borrowers must contact their mortgage servicers to request payment relief – *there are no automatic payment relief options available at this time.*
 - Eligibility for relief is based on having a financial hardship related to the COVID-19 emergency.**
 - Advocates, borrowers and servicers are all reporting long wait times on phone lines and delayed responses to email or online requests for assistance.
 - Since rules and policies are changing quickly, customer service reps may have or give inaccurate information.

Key Takeaways

- If borrowers receive payment relief, it will most likely be in the form of a forbearance, which is a deferral of payments.
 - Payments missed during a forbearance *will not be forgiven* – borrowers will have to repay them at a later date, and, in most cases, they will not know what the repayment arrangements will be in advance.
- If a borrower is able to make the mortgage payment during this emergency, they should do so. A forbearance may be complicated to obtain and can result in problems later, so it should only be sought if absolutely necessary.

Utility Shut-Offs

- Some tenants/homeowners are at risk utility shut-offs due to a lack of financial resources. States have responded in a variety of ways:
 - Some State Utilities commission/public utility commission/Utility regulatory commission/ public service commission's have issued orders halting or limiting utility shutoffs.
 - Orders issued by State Governor
 - Utilities are issuing voluntary moratoriums

Resources

- CARES Act Eviction Moratorium Summary
- List of local and state moratoria
- Best Practices for Eviction Moratoriums and Model Moratorium
- Summary of Federal actions taken to assist homeowners with mortgages
- Reasonable Accommodations/Fair Housing issues related to COVID-19:
<https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>
- State measures to protect homeowners:
<https://www.nclc.org/issues/foreclosures-and-mortgages/covid-19-state-foreclosure-moratoriums-and-stays.html>
- List of state measures to address utility shut-offs
<https://www.naruc.org/compilation-of-covid-19-news-resources/state-response-tracker/>

Thank You!

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