Tenant’s Rights and COVID-19

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• 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

  - 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.
Emergency Relief for Homeowners with Mortgages

● 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.
Emergency Relief for Homeowners with Mortgages – 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


Thank You!

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