



FEDERAL HOUSING FINANCE AGENCY
Office of the Director

October 23, 2020

Diane Yentel
President and CEO
National Low Income Housing Coalition
1000 Vermont Ave NW #500
Washington, DC 20005

Shamus Roller
Executive Director
National Housing Law Project
1663 Mission Street, Suite 460
San Francisco, CA 94103

Dear Ms. Yentel and Mr. Roller:

Thank you for your letter dated September 15, 2020, addressing the federal eviction moratorium issued by the Centers for Disease Control and Prevention (CDC). I also enjoyed meeting with you last month and appreciate the information that you shared.

The Federal Housing Finance Agency (FHFA) worked closely with Fannie Mae and Freddie Mac to ensure information about the CDC order is posted to their respective websites. FHFA and the Enterprises have taken decisive action to support tenants by providing resources online and by relief offered to multifamily property owners through forbearance. Throughout the COVID-19 pandemic, the Enterprises have regularly added information to their websites that is relevant to multifamily tenants as well as owners.

As a condition of each forbearance agreement for an Enterprise multifamily property, the property owner must agree not to evict tenants for nonpayment of rent for the duration of the forbearance period. On August 6, 2020, FHFA and the Enterprises established additional tenant protections for any new or modified forbearance agreements. For such loans, tenants are also protected during the repayment period from any late fees or similar charges, tenants must receive a 30-day notice to vacate, and landlords must permit tenants flexibility to repay back rent over time and not in a lump sum.

FHFA is considering your request that owners of federally supported rental properties should be required to notify tenants of the CDC order. Because the Enterprises are not part of the tenant/landlord relationship, they are limited in their ability to impose notification requirements on landlords outside of the context of forbearance.

While compliance with the CDC order is primarily the responsibility of the property owner, FHFA and the Enterprises are using all available tools to assist tenants and to promote compliance with applicable law. In addition to the tenant protections that are included in Enterprise forbearance agreements, the Enterprises are taking steps to address allegations of noncompliance with applicable law, including the CDC order. If evidence of a violation is found, the Enterprises will notify the property's seller/servicer to ensure that the borrower is aware of eviction protections provided in the CDC order. Any borrower that fails to comply with applicable law, including the CDC order, may be subject to remedies under the loan documents, which could include moving the loan into a technical default. FHFA is considering whether additional steps can be taken, and we will keep you informed.

Thank you for sharing your concerns on these issues. Please do not hesitate to contact Siobhan Kelly in the Office of Multifamily Analytics & Policy at Siobhan.Kelly@fhfa.gov, or 202-505-0913 with any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Calabria", with a stylized, cursive script.

Mark A. Calabria