

For Chahntrey, from Renee 3/29/2020

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- This is from the private organization NCLC “National Consumer Law Center” so double check if they are accurate or up to date – this is not officially from the President’s office or any state governor’s office, or from the official website of any court – check for updates. This below is the document that opens when you click on the link above under “[Federal Foreclosure and Eviction Suspensions; Mortgage Loan Forbearance](#)” but I did not include the entire document – I stopped after the CARES Act, and did not copy about repossessions or other general debt-collector information. If you need more information click on the page form the website.

Federal Foreclosure and Eviction Suspensions; Mortgage Loan Forbearance

CARES Act Relief from Foreclosure: [CARES Act § 4022](#) provides foreclosure relief for "federally-backed loans," which means loans (for 1–4 family properties) purchased, securitized, owned, insured, or guaranteed by Fannie Mae or Freddie Mac, or owned, insured, or guaranteed by FHA, VA, or USDA. See [§ 4022\(a\)\(2\)](#). To determine if a mortgage loan is “federally-backed,” see “Determining If a Mortgage Loan is Federally Backed,” *infra*. About one-third of residential mortgages are not federally backed and thus not covered by the CARES Act. These homeowners (and tenants) will have to rely on future federal action or state orders, described at “State Limitations on Foreclosures and Evictions,” *infra*, or on voluntary actions by mortgage servicers.

Under the CARES Act, a servicer of federally backed mortgage loan may not: initiate any judicial or nonjudicial foreclosure process, move for a foreclosure judgment, order a sale, or execute a foreclosure-related eviction or foreclosure sale. The provision lasts for not less than the sixty-day period beginning on March 18, 2020. This provision is not limited to borrowers with a COVID-19 related hardship. See [§ 4022\(c\)\(2\)](#).

Under the CARES Act, homeowners with federally backed mortgage loans affected by COVID-19 can request and obtain forbearance from mortgage payments for up to 180 days, and then request and obtain additional forbearance for up to another 180 days. During a period of forbearance, no fees, penalties, or interest shall accrue on the borrower’s account beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract. The covered period appears to be during the emergency or until December 31, 2020, whichever is earlier. See [§ 4022\(b\), \(c\)\(1\)](#).

CARES Act Forbearance Rights for Multi-Family Properties (5 or more units) and Rights of Their Tenants: The Act provides for different forbearance

rights for owners of multi-family property, and also provides that tenants are protected from eviction if the owner seeks such forbearance. See [CARES Act § 4023](#).

CARES Act Protections Against Eviction: During the 120-day period beginning on the Act's March 27, 2020 enactment date, the lessor of a "covered dwelling" may not file a court action for eviction or charge additional fees for nonpayment of rent. See [CARES Act § 4024\(b\)](#). After that 120-day period, the lessor cannot require the tenant to vacate until it gives the tenant a thirty-day notice to quit. See [§ 4024\(c\)](#). A covered dwelling is one where the building is secured by a federally backed mortgage loan or participates in certain federal housing programs. See [§ 4024\(a\)](#). A large number of governors have also initiated suspensions of all residential evictions in their states, as listed *infra*.

Determining if a Mortgage Loan Is Federally Backed: The CARES Act foreclosure and forbearance provisions apply only to "federally backed mortgages." In addition, prior to CARES Act enactment different federally backed mortgage investors had announced different foreclosure policies (see "Links to Foreclosure Suspensions by Federally Backed Mortgage Investors in Effect Prior to the CARES Act," *infra*). It is thus imperative to determine if a loan is federally backed and which investor is the backer: Fannie Mae, Freddie Mac, Federal Housing Administration (FHA), Veterans Affairs (VA), and the U.S. Department of Agriculture's Rural Home Service (RHS). The following tools let one quickly determine which investor backs a particular homeowner's mortgage loan.

- Fannie Mae and Freddie Mac have easy loan look-up websites to determine if they own a mortgage.
See <https://ww3.freddie.mac.com/loanlookup/> and <https://www.knowyouroptions.com/loanlookup#>.
- To determine if a loan is FHA-insured, look for an FHA case number on the mortgage document, specific language in the mortgage and note forms, or through the payment of an FHA premium on the mortgage statement. In some cases, unfortunately, loans may have been stripped of their FHA-insured status; call HUD's National Servicing Center at 877-622-8525 if there are questions.
- A VA-guaranteed loan also has specific language in the note and mortgage identifying it as a VA loan, and there are fees paid to the VA noted in closing documents.
- While a borrower with a mortgage directly extended by the RHS will be very familiar with the agency, homeowners with privately serviced RHS-guaranteed loans often do not know the loan's status. If an RHS-guaranteed loan is suspected, directly ask the servicer to review the homeowners' closing documents.

Links to Foreclosure Suspensions by Federally Backed Mortgage Investors in Effect Prior to the CARE Act:

FHA — <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-04hsgml.pdf>

VA — https://www.benefits.va.gov/HOMELOANS/documents/circulars/26_20_8.pdf

USDA Direct (bottom of page 1) —

https://www.rd.usda.gov/sites/default/files/USDA_SA_COVID19_SFHContinuity03202020.pdf

USDA Guaranteed —

[https://www.rd.usda.gov/sites/default/files/USDA RD SA Foreclosure and Eviction Relief COVID19 NationalEmergency.pdf](https://www.rd.usda.gov/sites/default/files/USDA_RD_SA_Foreclosure_and_Eviction_Relief_COVID19_NationalEmergency.pdf)

Fannie Mae — <https://singlefamily.fanniemae.com/media/22261/display>

Freddie Mac — <https://guide.freddiemac.com/app/guide/bulletin/2020-4>

Banking Agency Guidance on Mortgage Servicing and Loan Modifications

Federal Reserve, FDIC, NCUA, OCC, CFPB, and the Conference of State Bank Supervisors have issued an [Interagency Statement on Loan Modifications and Reporting for Financial Institutions Working with Customers Affected by the Coronavirus \(March 22, 2020\)](#) .

State Limitations on Foreclosures and Evictions

[A state-by-state list of eviction moratoria](#) is now published by the National Housing Law Project, and researched by students at Columbia and University of Pennsylvania. It includes 24 categories of information concerning eviction for each state.

Alaska has halted all court eviction hearings.

California (nonjudicial foreclosure), [Executive Order N-28-20 from Governor](#) (March 16, 2020), effective to March 31, 2020: Suspends state preemption of local government regulation of evictions, including post-foreclosure evictions. Localities may restrict evictions in cases where nonpayment was caused by income reduction or increased household expenses.

California, [governor's executive order N-37-20](#) on March 27, 2020 orders a state-wide moratorium on evictions through May 31, 2020.

Colorado (nonjudicial foreclosure authorized by court), [Governor's Executive Order 2020-12](#) (March 20, 2020), effective for 30 days, extends for 30 days the deadlines to cure and to redeem under Colorado foreclosure statute.

Connecticut (judicial foreclosure), [Statement from Chief Court Administrator](#) (March 18, 2020): All foreclosure sales previously scheduled to occur in April or May 2020 rescheduled to June 6, 2020. The judgment in any foreclosure action in which the court set a redemption period to expire during April or May 2020 is amended to set the expiration date for June 2, 2020. The execution of ejection judgments is stayed through March 27, 2020. Civil trials, trial management conferences, pretrial and status conferences, and mediations cancelled until further notice.

Indiana (judicial foreclosure), [Governor's Executive Order](#) (March 19, 2020): Public health emergency declared to April 5, 2020. No residential eviction proceedings or foreclosure actions to be initiated during the declared public health emergency.

Iowa (judicial foreclosures), [Governor's Proclamation of a Disaster Emergency](#): (March 22, 2020) Temporarily suspends the commencement of foreclosure proceedings, or the prosecution of ongoing foreclosure proceedings, on residential, commercial, and agricultural real property located in the state, at least through April 16, 2020. The suspension also covers land contract forfeitures and removal actions for property tax deed foreclosures.

Kansas (judicial foreclosures), [Governor's Executive Order 20-10](#) (March 23, 2020) suspends new foreclosure proceedings and evictions, but does not affect pending foreclosures.

Kentucky (evictions), by [Governor's Order 2020-257](#) (March 25, 2020). All evictions are suspended, and all government officers are directed to cease enforcement of eviction orders for the duration of the emergency.

Maine (judicial foreclosure), [Emergency Order and Notice Maine Supreme Court](#) (March 18, 2020, effective to May 1, 2020): No proceedings will be scheduled or heard for foreclosure and eviction cases, and actions to recover personal property.

Maine (judicial foreclosure), [Emergency Order Maine Superior and District Court](#) (March 17, 2020): Until further order of court 49 days added to unexpired deadline established by court order or court rule, but does not extend statutory deadlines or limitations.

Maryland (judicial authorization for nonjudicial foreclosure), [Administrative Order Maryland Court of Appeals suspension of evictions and foreclosures during Covid-19 emergency](#) (March 18, 2020): Residential foreclosures and foreclosure of right to redeem after tax sale pending in circuit courts stayed effective immediately. Same for pending and scheduled evictions. New residential foreclosures and foreclosures of right to redeem after tax sales "shall be stayed upon filing." Order to be revised "as circumstances warrant."

Michigan (nonjudicial foreclosure), [Governor's Executive Order 2020-19](#) (March 20, 2020, effective April 17, 2020): Bars execution of eviction process against tenants, vendees under executory contracts (installment land sale contracts) and manufactured home owners. Does not specifically reference post-mortgage foreclosure evictions.

Michigan (nonjudicial foreclosure), [Governor's Executive Order 2020-14](#) (March 18, 2020): Temporarily suspends tax sale redemption deadline from March 31, 2020 until the later of (a) May 29, 2020 or (b) 30 days after the termination of the state of emergency.

Minnesota (evictions and request foreclosures): Governor's [Emergency Executive Order 20-14](#) (March 23, 2020), stops new and pending evictions and requests a suspension of foreclosures, beginning March 24.

New Hampshire (nonjudicial foreclosure), [Governor's Emergency Order No. 4 pursuant to Executive Order No. 4 Temporary Prohibition on Evictions and Foreclosures](#) (March 17, 2020) prohibits all forms of foreclosure during emergency declaration. Initiation of foreclosure proceedings suspended for duration of declared emergency.

New York (judicial foreclosure): The Governor's [Executive Order 202.8](#) (March 20, 2020) mandates "there shall be no enforcement of either an eviction of any tenant residential or

commercial, or a foreclosure of any residential or commercial property for a period of ninety days.” Tolls wide range of time limits until April 19, 2020, including “any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as prescribed by the procedural laws of the state, including but not limited to . . . the civil practice law and rules”. Also tolls until April 19, 2020 all time limits set by “any other statute, local law, ordinance, order, rule, or regulation, or part thereof”.

New York (judicial foreclosure): A [March 15, 2020 Memorandum](#) from Chief Administrative Judge of the Court ordered that, “Effective March 16, all eviction proceedings and pending eviction orders shall be suspended statewide until further notice.” In addition, [New York Office of Court Administrator’s Order No. 78](#) (March 22, 2020) directs court clerks not to accept filings in non-essential cases “until further order.” Foreclosure cases are deemed non-essential cases.

New York (judicial foreclosure): [New York State Department of Financial Services New Part 119 to 3 NYCRR Emergency Relief for New Yorkers Who Can Demonstrate Financial Hardship As a Result of Covid-19](#) (March 24, 2020), effective to April 20, 2020 and any subsequent renewal period, establishes “Covid-19 Relief Program.” Regulated entities must make “widely available” to New York borrowers demonstrating financial hardship caused by COVID-19 a forbearance of ninety days. Federally guaranteed and GSE loans are exempted. Within ten business days regulated institutions must provide an application process for borrowers. Issued in response to [Governor’s Executive Order 202.9](#) (March 21, 2020).

North Carolina (judicial foreclosure), [Order of Supreme Court](#) (March 19, 2020): Extends deadlines for filing pleadings, motions, notices, other documents and performing required “acts” in civil proceedings, including “special proceedings” (foreclosure proceedings) until April 17, 2020. Effect is to delay to April 17, 2020 the completion of foreclosure sales not finalized as of March 16, 2020.

Oregon (evictions), [Governor’s Executive Order 20-11](#) (March 22, 2020) places a ninety-day hold on evictions for non-payment of rent.

Pennsylvania (judicial foreclosure): [Supreme Court Order of Statewide Judicial Emergency](#) (March 19, 2020), deadlines for filing legal papers due between March 19, 2020 to April 3, 2020: During this period no state official may effectuate an eviction, ejection, or other displacement from a residence for nonpayment of rent or a loan. Allows filing requests for orders of possession.

South Carolina (judicial foreclosure): [Order of Supreme Court of South Carolina, Re: Statewide Evictions and Foreclosures](#) (March 18, 2020): Orders statewide moratorium on foreclosure hearings, foreclosure sales, writs of ejection, all matters relating to foreclosures until further order of Chief Justice.

Washington State (evictions) [Governor’s Executive Order 20-19](#) (March 18, 2020) orders a statewide hold on evictions for non-payment or where the tenancy has ended, until April 17, 2020.

Washington, D.C.: [Judiciary orders](#) suspends evictions of all tenants and foreclosed homeowners from March 14 to May 15; continued hearings on Small Claims, Debt Collection, Mortgage Foreclosure, Housing Court.

Student Loans, Other Debts Owed to the Government

CARES Act Relief for Federal Student Loan Borrowers: [CARES Act § 3513](#) provides relief for student loan borrowers with Direct Loans and also for FFEL loans, but only those FFEL loans currently owned by the U.S. Department of Education. Critically, not protected by the CARES Act are borrowers with Perkins Loans and borrowers whose FFEL loans are still held by banks or guaranty agencies. One estimate is that this is upwards of 9 million student loan borrowers not covered by the Act.

Direct Loan and covered FFEL borrowers will have their payments suspended through September 30, 2020. See [CARES Act § 3513\(a\)](#). While student loan payments are suspended, the loans shall not accrue any interest and the month of a suspended loan payment will be treated as if a loan had been made for purposes of loan forgiveness and loan rehabilitation. See [§ 3513\(b\), \(c\)](#). The suspension period will result in no negative credit reporting and also involuntary collection of the loan will be suspended—no wage garnishments, tax intercepts, offset of federal benefits, or any other collection activity. See [§ 3513\(d\), \(e\)](#). Covered borrowers will be provided notices of all of these rights within fifteen days of the CARES Act's March 27 enactment. See [§ 3513\(g\)](#). For more detail, [see this article](#) from NCLC's Student Loan Borrower Assistance website.

Department of Education Emergency Policy Prior to the CARES Act

Department of Education Press Release (March 20, 2020): All borrowers with federally held student loans will automatically have their interest rates set to 0% for a period of at least 60 days. In addition, each of these borrowers will have the option to suspend their payments for at least two months to allow them greater flexibility during the national emergency. This will allow borrowers to temporarily stop their payments without worrying about accruing interest. For more detail about the suspension of interest charges and payment forbearance, [see this article](#) from NCLC's Student Loan Borrower Assistance site.

Department of Education, Coronavirus and Forbearance Info for

Students, Borrowers, and Parents: includes more detail on the suspension of interest accrual and loan payments, with additional Q & A on other topics relevant to students in school, student loan borrowers, and their parents.

Treasury Offset Program Technical Bulletin # F2020-7 (March 26, 2020): Effective immediately, the U.S. Department of the Treasury has exempted the Social Security Administration's (SSA) benefit payments from offset. This exemption will remain in effect through September 21, 2020. During this time, SSA benefit payments will not be offset to satisfy delinquent federal non-tax debts in the U.S. Treasury Offset Program. This is largely duplicative of CARES Act student loan provisions for Direct Loan and certain FFEL student borrowers, but protects other student loan borrowers and others owing government debts,

such those owing mortgage deficiency judgments arising from FHA loans. For more on federal government collection of debts, See [NCLC's Collection Actions Chapter 10](#).

Protection of CARES Act Payments to Individuals: The CARES Act provides for \$1200 payments to many Americans with an additional \$500 for each child. These amounts are generally protected from seizure by the United States for debts owed to the United States. See [CARES Act § 2201\(d\)](#).