

Frequently Asked Questions (FAQ)
CARES Act Moratorium on Evictions and Foreclosures

Evictions

1. May a landlord evict a tenant of a “covered dwelling” for nonpayment of rent or other fees or charges?

No. The lessor of a covered dwelling *may not* make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for nonpayment of rent or other fees or charges before July 25, 2020. Sec. 4024(b)

The lessor is also unable to charge fees, penalties, or other charges to the tenant related to the nonpayment of rent. Sec 4024(b)(2)

2. How do I know if my property is a “covered dwelling” under the CARES Act?

A **covered dwelling** is a dwelling that is (1) occupied by a tenant pursuant to a residential lease or without a lease or with a lease terminable under State law and (2) is on or in a covered property. Sec. 4024(a)(1)

A **covered property** is any property that has a (1) federally backed mortgage or multifamily mortgage loan or (2) participates in:

- a. A covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994 ([34 U.S.C. 12491\(a\)](#))); or
- b. The rural housing voucher program under section 542 of the Housing Act of 1949 ([42 U.S.C. 1490r](#)).

See the attached flowchart for additional information about determining if a property is considered a “covered dwelling” under the CARES Act.

3. How do I know if my property has a “federally backed mortgage” or participates in a “covered housing program”?

A **federally backed mortgage loan** is any loan that is secured by a first or subordinate lien on residential real property designed for the occupancy of one or more families and is made in whole or in part, or insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the Federal Government or under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development or a housing or related program administered by any other such officer or agency, or is purchased or securitized by the Federal Home Loan Mortgage Corporation (“Freddie Mac”) or the Federal National Mortgage Association (“Fannie Mae”). Sec 4024(a)(4)-(5).

If you are unsure whether a mortgage loan on a property is federally backed, you could:

- Use a look-up tool such as [Freddie Mac's](#) or [Fannie Mae's](#)
- Contact your loan servicer
- Review your mortgage and loan documents
- For HUD/FHA loans, contact HUD's National Servicing Center at 877-622-8525

Covered housing programs are defined in section 41411(a) of the Violence Against Women Act of 1994 ([34 U.S.C. 12491\(a\)](#)) and the rural housing voucher program under section 542 of the Housing Act of 1949 ([42 U.S.C. 1490r](#)). They include housing programs under the following:

- Section 8 Housing Vouchers under section 1437f of title 42;
- Supportive housing for the elderly (12 USC 1701q)
- Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);
- Subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);
- Subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);
- Subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);
- Paragraph (3) of section 1715l(d) of title 12 that bears interest at a rate determined under the proviso under paragraph (5) of such section 1715l(d);
- Program under section 1715z-1 of title 12;
- Programs under sections 1437d of title 42;
- Rural housing assistance provided under sections 1484, 1485, 1486, 1490m, and 1490p-2 of title 42; and
- The low income housing tax credit program under section 42 of title 26.
- Rural housing voucher program (42 U.S.C. 1490r)

4. What notice must the lessor of a covered dwelling unit give before evicting a tenant?

The lessor of a covered dwelling must give a tenant at least 30 days' notice before requiring a tenant to vacate a dwelling. The notice to vacate a covered dwelling may not be issued to a tenant until after July 25, 2020. Sec. 4024(c)

Foreclosures

5. May a servicer of a federally backed mortgage loan foreclose on a property right now?

No. Except with vacant or abandoned properties, a servicer of a Federally backed mortgage loan *may not* initiate any judicial or non-judicial foreclosure process, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020. Sec. 4022(c)(2).

For the purpose of this section, a **federally backed mortgage loan** is any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed principally for the occupancy of from 1- to 4- families that is:

- a. Insured by the Federal Housing Administration under title II of the National Housing Act ([12 U.S.C. 1707 et seq.](#));
- b. Insured under section 255 of the National Housing Act ([12 U.S.C. 1715z-20](#));
- c. Guaranteed under section 184 or 184A of the Housing and Community Development Act of 1992 ([12 U.S.C. 1715z-13a, 1715z-13b](#));
- d. Guaranteed or insured by the Department of Veterans Affairs;
- e. Guaranteed or insured by the Department of Agriculture;
- f. Made by the Department of Agriculture; or
- g. Purchased or securitized by the Federal Home Loan Mortgage Corporation (Freddie Mac) or the Federal National Mortgage Association (Fannie Mae). Sec. 4022(a)(2)

6. May a borrower with a federally backed mortgage loan request a forbearance?

Yes, if the borrower is experiencing a financial hardship due, directly or indirectly, to the COVID-19 emergency regardless of delinquency status. The borrower needs to submit a request to the borrower's servicer and affirm the borrower is experiencing a financial hardship during the COVID-19 emergency. Sec 4022(b)(1).

Upon the request of the borrower, the forbearance must be granted for up to 180 days and must be extended for an additional period up to 180 days upon the request of the borrower. The forbearance periods may be shortened upon the request of the borrower. Sec 4022(b)(2)