

Eviction and Foreclosure Prevention After the CARES ACT?

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CARES ACT ENDS

Evictions and Foreclosures on the Horizon

- Approximately 20 million to 28 million people may be facing eviction between now and September.
- Approximately 10 million people were displaced from their homes during the 2008 foreclosure crisis and the Great Recession.
- CARES ACT provided \$6 trillion dollars of direct and indirect federal aid for housing. Most protections end July 25, 2020.





CARES ACT:

- 1. Foreclosure Moratorium Federally-backed mortgages for 60 days from March 18, 2020 ending on May 18, 2020.
- 2. Mortgage Forbearance For owners with federally-backed mortgages 180 days up to 360 days.
- 3. Eviction Moratorium -- 120 days from March 27, 2020 (the enactment of the Act) ending on July 25,2020.
 - 1. Landlords of "covered properties" without 30 days notice. also MAY NOT evict tenants after the moratorium period expires



What is a federally-backed mortgage? (Title IV Sec. 4022(a)(2))

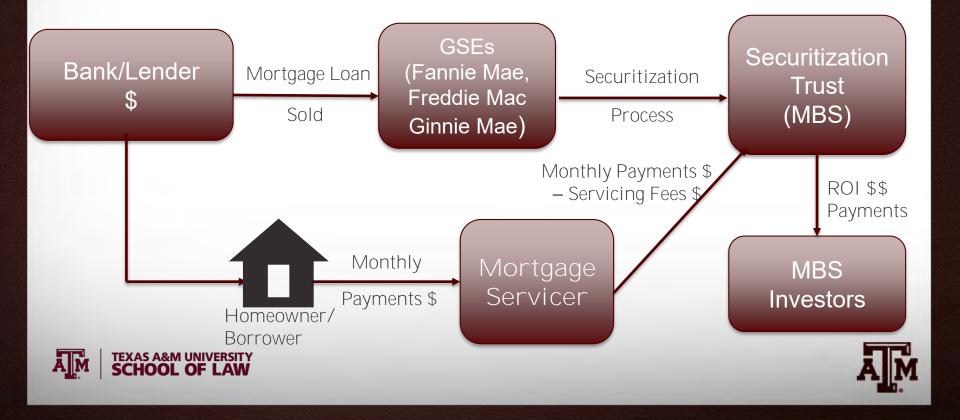
- Any mortgage (or deed of trust) secured by a first or subordinate lien on residential real property insured, guaranteed, made, purchased, or securitized by one of the following federal agencies:
 - (GSEs) Fannie Mae, Freddie Mac, Ginnie Mae
 - FHA Federal Housing Administration
 - HUD U.S. Dept. of Housing and Urban Development
 - VA Veterans Administration
 - USDA U.S. Department of Agriculture
- NOTE: These provisions do not apply to purely private mortgage loans.





How Do I Know If My Mortgage is Federally-Backed?

- Call your mortgage servicer
- What is a mortgage servicer?





call 888-988-9996 for legal help M-F; 9 am to 5 pm CST

CAN I BE EMCTED DURING COMD 19 IN TEXAS?

Information is current as of April 27, 2020, but likely to change in the coming weeks.



Are you being evicted for non-payment of rent, late fees, or other charges?



Do you live in any of the housing listed below?



Cases involving a threat of physical harm or criminal activity can proceed through the courts.

NOTE: Landlords must follow a court process to evict you.



Does your landlord have a federally-backed mortgage?





Evictions and late fees are banned until July 25, 2020 by the CARES Act if you:

- live in public housing
- live in Project-Based (Section 8) housing
- live in HUD-subsidized housing
- live in a tax credit or "LIHTC" housing
- have a "Section 8" voucher
- have a "Rural Development" voucher
- live in any other property covered by VAWA

No Notices to Vacate can be issued before July 25. After that, a 30-day Notice to Vacate is required.



least May 18 and writs may not be executed until after May 25.

This date may be extended, and local laws may.

Eviction proceedings are

suspended statewide until at

also add protections and longer suspensions.

Example: Tenants in Austin, Dallas and San
Marcos have the right to catch up on their rent.

Self-help evictions are not allowed in Texas. Landlords must follow a court process. Evictions and late fees are banned until July 25 by the CARES Act, if your landlord has a mortgage through:

- HUD (including FHA)
- USDA
- VA
- Fannie Mae (try and call 1-800-232-6643 to check)
- Freddie Mac (try and call 1-800-373-3343 to check)

No notices to vacate can be issued before July 25. After that, a 30-day Notice to Vacate is required.

How do I know what kind of mortgage my landlord has?

If you are concerned over whether you are covered, you can apply for our legal services (see top left).

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You can also check out sites.utexas.edu/covid19relief/ or trla.org/covid19-main for updates.

Evictions begin with a notice, followed by a lawsuit in Justice Court, a hearing, an appeal if necessary, and finally a writ of possession (order to remove the tenant). You cannot be evicted without a court judgment!

Federal Extensions

- June 17th: Fannie Mae and Freddie Mac are extending their moratorium on foreclosures and evictions through August 31, 2020.
 - The FHA also extending its foreclosure and eviction moratorium through August 31, 2020.
- Fannie Mae and Freddie Mac are offering a new payment deferral option for homeowners in a COVID-19 forbearance plan, allowing the homeowners to repay their missed payments at the time the home is sold, refinanced, or at maturity.





Mortgage Look Up Resources

- Nearly 50% of nation's mortgages are owned or backed by Fannie Mae or Freddie Mac.
- Resources to find whether your mortgage is federally-backed:
 - Fannie Mae
 - Freddie Mac
 - Mortgage Electronic Registration System (MERS)
- Consumer Financial Protection Bureau





State and Local Moratoria

Bexar County

- June 4th: County Judge Wolff issued an <u>order</u> suspending tax foreclosure proceedings until July 6, 2020.
- May 19: County Judge Wolff issued an order <u>suspending</u> all foreclosure proceedings until July 6, 2020.

Dallas County

- June 8th: According to the <u>Dallas County website</u>, all foreclosure sales are still cancelled until further notice.
- March 27: Dallas County has <u>halted</u> all delinquent property tax litigation and property tax foreclosure proceedings until further notice.

Travis County

- June 8th: The Travis County Tax office cancelled May and June property tax sales.
- March 31st update: Travis County Tax Office is temporarily stopping any *new* legal actions against those with delinquent property taxes (however, state penalties and interest continue to accrue).





Texas Resources

- TAMU Law Program in Real Estate and Community Development Law
- UT Protections for Texas Renters -- Covid 19
- <u>Texas Housers -Texas Low Income Housing</u>
 <u>Information Service</u>
- Texas Rio Grande Legal Aid
- BASTA-Building and Strengthening Tenant Action





Federal Resources for Homeowners and Tenants

- Consumer Financial Protection Bureau
- National Low-Income Housing Law Project
- HUD
- Princeton University Eviction Lab-Covid-19 Resources







WATCH OUT FOR SCAMS!

Thank You
I Look Forward To Questions?



TEXAS A&M