

# LANDLORD RIGHTS & RESPONSIBILITIES

As of June 17, 2020

## My tenant is late on their rent, can I evict them?

No. There are currently state and federal moratoriums in place that apply to evictions for nonpayment of rent or any other nonpayment under a residential lease. Tenants are protected under the Governor's State of Emergency Proclamation(s), which are due to continue through July 31, 2020. The federal moratorium on evictions has been extended through August 31, 2020 for federally backed mortgages.

If you feel that the tenant is being unsafe, and believe a crime is being committed, call the police. If the tenant has caused or threatened physical harm, or harassed you, a landlord may go to court to seek relief, including petitioning for a TRO.

## Are there any protections for landlords in the CARES Act?

Under the CARES act, a servicer of a federally backed mortgage loan may not: initiate any foreclosure process, move for a foreclosure judgement, order a sale, or execute a foreclosure-related eviction or foreclosure sale until August 31, 2020.

To figure out if your property is federally backed, ask your servicer. Or, look at the bottom of your mortgage, if you have a copy, and see if the mortgage form has an indication at the bottom that it is a federal form. Fannie Mae and Freddie Mac also have easy loan look-up websites.

## What is a mortgage forbearance and how can I get one?

A mortgage forbearance means you do not have to make your mortgage payment during the forbearance period. However, normal interest will continue to accrue and will be due when forbearance ends. Payments, including tax and insurance escrow, can be deferred and added to the loan balance. You may not evict a tenant solely for nonpayment or fees if you receive a forbearance. Tenant late fees and other charges are also prohibited.

To get a forbearance (lasting 180 days with possible 180 day extension), submit a request to your mortgage servicer and confirm you are experiencing COVID-19 related financial emergency (documentation of hardship is not required). Additional protections are available if your loan is federally backed for more than 5 units.  
*Forbearance does not mean your payments are forgiven or erased.*

## What if my mortgage is not federally backed?

If your mortgage is not federally backed, it is not covered by CARES Act protections. Contact your loan servicer to discuss your options. You can find your servicer's name on your mortgage statement or by searching the Mortgage Electronic Registration System (MERS) website. Financial institutions have been encouraged to work with borrowers during the pandemic. Your servicer should help you identify options or alternatives that may be available.

## What do I do if I need help or have questions?

If you have questions about the Landlord Tenant Code, call the Landlord Tenant Hotline at (808) 586-2634. If you need help interacting or negotiating with your tenant, consider seeking mediation.

# CAN I EVICT SOMEONE DURING COVID-19?

