

Considerations to be Addressed in Unlawful Detainer Actions

- (A) Is the property subject to a federally backed mortgage loan or federally backed multifamily mortgage loan as defined in Section 4024(A)(2)(B) of the CARES Act?
- a. Is the mortgage on the property owned by Freddie Mac or Fannie Mae?
 - b. Is the mortgage on the property guaranteed, provided by, or insured by the U.S. Department of Housing and Urban Development?
 - c. Is the mortgage on the property guaranteed, provided by, or insured by the U.S. Department of Veterans Affairs?
 - d. Is the mortgage on the property guaranteed, provided by, or insured by the U.S. Department of Agriculture?
- (B) Is the property a “covered property” as defined in Section 4024(a)(2)(A) of the CARES Act?
- a. Does the property contain housing covered by the Violence Against Women Act?
 - i. Section 202 housing for the elderly?
 - ii. Section 811 housing for people with disabilities?
 - iii. Housing opportunities for persons with AIDS?
 - iv. Subtitle A of the McKinney-Vento Homeless Assistance Act?
 - v. Home Investment Partnerships?
 - vi. Below Market Interest Rate Housing?
 - vii. Section 236 multifamily rental housing?
 - viii. Section 8 project-based housing?
 - ix. Section 8 Housing Choice Voucher program?
 - x. Public Housing?
 - xi. Section 515 Rural Rental Housing?
 - xii. Sections 514 and 516 Farm Labor Housing?
 - xiii. Section 533 Housing Preservation Grants?
 - xiv. Section 528 Multifamily rental housing?
 - xv. Low-income housing tax credit program?
 - b. Does the property contain housing covered by the rural housing voucher program under section 542 of the Housing Act of 1949?

Resources available to determine if the property is a “covered property”

- (A) This information may be recorded in public land records or may appear in the original mortgage and closing documents
- (B) Anyone can access the following:

- (i) The National Low Income Housing Coalition’s database of covered multifamily properties: <https://www.nlihc.org/federal-moratoriums>. This database does not cover single-family properties with 1-4 units and does not reflect *all* multifamily properties with Fannie Mae and Freddie Mac mortgages.
- (ii) Databases to determine whether a multifamily property has a Fannie Mae or Freddie Mac mortgage. These resources do not cover single-family properties with 1-4 units.
 - i. Fannie Mae: <https://www.knowyouroptions.com/rentersresourcefinder>
 - ii. Freddie Mac: <https://myhome.freddie.mac.com/renting/lookup.html>
- (iii) The National Housing Preservation Database of multifamily properties with certain federal subsidies: <https://preservationdatabase.org/>.

(C) Landlords can:

- (i) Call the FHA, VA, USDA, Fannie Mae, or Freddie Mac escalation number to inquire as to the status of their mortgage:
<https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp>
- (ii) Look up if Fannie Mae or Freddie Mac own their mortgage by visiting:
 - i. <https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/>
 - ii. Fannie Mae: <https://www.knowyouroptions.com/loanlookup>
 - iii. Freddie Mac: <https://ww3.freddie.mac.com/loanlookup>

Resources available to landlords

The CARES Act § 4022 provides for 180 days of forbearance for landlords with federally backed single-family (1-4 unit) mortgages. Landlords have an option to extend for another 180 days. A servicer of a federally backed mortgage loan may not initiate foreclosure processes for “not less than the 60-day period beginning on March 18, 2020.”

The CARES Act § 4023 provides for 30 days of forbearance for landlords with federally backed multifamily (5 or more unit) mortgages who were current on payments as of February 1, 2020, with an option to extend for two additional 30-day periods.

- (A) Small Business Association (SBA) “Paycheck Protection Program” may provide relief to landlords with management and maintenance staff: <https://www.sba.gov/funding-programs/loans/coronavirus-relief-options/paycheck-protection-program>.
- (B) Resource for property owners on foreclosure protections in Virginia: https://vplc.org/wp-content/uploads/2020/03/Covid-19_Foreclosure_Fact_Sheet-3-31.pdf
- (C) Consumer Financial Protection Bureau provides COVID-19 related mortgage relief options: <https://www.consumerfinance.gov/about-us/blog/guide-coronavirus-mortgage-relief-options/>.
- (D) National Consumer Law Center provides COVID-19 related consumer protections: <https://www.nclc.org/special-projects/covid-19-consumer-protections.html>.
- (E) HUD-approved housing counseling agency locations: <https://www.consumerfinance.gov/find-a-housing-counselor/>.
- (F) Information for homeowners on avoiding COVID-19 related scams: <https://www.fhfa.gov/Homeownersbuyer/MortgageAssistance/Pages/Coronavirus-Fraud-Prevention.aspx>
<https://www.fhfa.gov/Homeownersbuyer/MortgageAssistance/Documents/COVID-FHFA-Fraud-Flyer-482020.pdf>