

FIRST AND SECOND CITY COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

CASE NO.: _____

SECTION: _____

PLAINTIFF (OWNER/LANDLORD)

VS

DEFENDANT

FILED: _____

DEPUTY CLERK: _____

SWORN VERIFICATON OF NON-COVERAGE UNDER § 4023(d) and § 4024 OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (“CARES”) ACT

My name is: _____
PRINT: First Middle Last

I am (check one)

_____ the Plaintiff/Owner or

_____ an authorized agent of the Plaintiff

in the captioned eviction action . I am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

I am seeking to recover possession of the following property:

Name of Apartment Complex (if any)

Street Address & Unit No. (if any) City Parish State ZIP

NOTE: Providing false information on this affidavit is perjury punishable by fine or imprisonment. La. R.S. 14:123.

I verify that this property is not a “covered dwelling”* as defined by Section 4024(a)(1) of the CARES Act.* The facts on which I base my conclusion are as follows based on the following:

Federally-Backed Mortgage

Place your initials in all fields that you have researched/verified and complete your response where indicated.

_____ I have verified that my mortgage is not owned by Fannie Mae or Freddie Mac and have attached verification from the following sites:

https://www.knowyouoptions.com/loanlookup (Fannie Mae)

https://ww3.freddiemac.com/loanlookup/ (Freddie Mac)

Note: Verification MUST be attached. * PRINT OUT THE RESULTS PAGE.

_____ I have verified that my mortgage is not insured by the Federal Housing Administration (FHA): (Please identify which database or other information you have used to determine that your mortgage is not insured by the FHA.)

Form continues on next page.

_____ I have verified that my mortgage is not “insured, guaranteed, supplemented, or assisted in any way” by the U.S. Department of Housing and Urban Development (“HUD”), the Veterans Administration (“VA”), or the U.S. Department of Agriculture (“USDA”):

(Please identify which database or the other information you have used to determine that your mortgage is not federally-backed.)

Multifamily properties only (5 or more units):

_____ I have searched for my property in the following non-exhaustive database and my property does not appear in the database as a property covered by the CARES Act: <https://nlihc.org/federal-moratoriums> * PRINT OUT THE RESULTS PAGE.

_____ I have not been granted a mortgage forbearance and am not currently in the forbearance period.

Participation in Federal Subsidy Program

(Other databases are provided in a separate resources document)

* INITIAL ALL BOXES THAT YOU HAVE VERIFIED. QUESTIONS PERTAIN TO THE ENTIRE PROPERTY, NOT JUST THE SINGLE UNIT.

_____ My property does not receive Low Income Housing Tax Credits (“LIHTC”)

_____ My property does not lease to anyone with Section 8 vouchers, VASH (VA) vouchers, or U.S. Department of Agriculture Section 542 Rural Housing vouchers

_____ My property is not federally subsidized by HUD or the USDA

Examples of HUD and USDA federal subsidy programs:

U.S. Department of Housing and Urban Development (“HUD”):

- Public housing
- Section 8 or Section 8 project-based housing
- Section 202 housing for the elderly
- Section 811 housing for people with disabilities
- Section 236 multifamily rental housing
- Section 221(d)(3) Below Market Interest Rate housing
- HOME Investment Partnerships Program
- Housing Opportunities for Persons with AIDS (“HOPWA”)
- McKinney-Vento Act homelessness programs including Permanent Supportive Housing (PSH) and Shelter + Care vouchers
- Violence Against Women Act (“VAWA”) subsidy property

U.S. Department of Agriculture (“USDA”):

- Section 515 Rural Rental Housing
- Section 514 and 516 Farm Labor Housing
- Section 533 Housing Preservation Grants
- Section 538 multifamily rental housing

I declare under penalty of perjury that everything in this verification is true and correct.

Printed Name

Address

Your Signature

Date

**SWORN AND SUBSCRIBED BEFORE ME THIS
_____ DAY OF _____, 2020.**

Notary Public

Print Name: _____

Notary ID #: _____

* A “**covered dwelling**” under the CARES ACT includes rental units in properties: (1) that participate in federal assistance programs, (2) are subject to a “federally backed mortgage loan”, or (3) are subject to a federally backed multifamily mortgage loan.

Covered federal assistance programs include most rental assistance and housing grant programs including public housing, Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, rural housing programs, and the Low Income Housing Credit (LIHTC) program.

A “**federally backed mortgage loan**” is a single-family (1-4 units) residential mortgage owned or secured by Fannie Mae or Freddie Mac or insured, guaranteed, or otherwise assisted by the federal government. The term includes mortgages insured by the Federal Housing Administration and the Department of Veterans Affairs, and the Department of Agriculture’s direct and guaranteed loans. The act defined a “federally backed multifamily mortgage loan” almost identically to “federal backed mortgage loan” except that it applies to properties designed for five or more families.

See attached - **CARES Act**
Sec. 4022. Foreclosure Moratorium
Sec. 4023. Forbearance for Residential Mortgage Loans
Sec. 4024. Temporary Moratorium on Eviction Filings

The CARES Act
Public Law 116-136

SEC. 4022. FORECLOSURE MORATORIUM AND CONSUMER RIGHT TO REQUEST FORBEARANCE.

(a) DEFINITIONS.—In this section:

(1) COVID–19 EMERGENCY.—The term “COVID–19 emergency” means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act ([50 U.S.C. 1601](#) et seq.).

(2) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes 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 or the Federal National Mortgage Association.

(b) FORBEARANCE.—

(1) IN GENERAL.—During the covered period, a borrower with a Federally backed mortgage loan experiencing a financial hardship due, directly or indirectly, to the COVID–19 emergency may request forbearance on the Federally backed mortgage loan, regardless of delinquency status, by—

(A) submitting a request to the borrower’s servicer; and

(B) affirming that the borrower is experiencing a financial hardship during the COVID–19 emergency.

(2) DURATION OF FORBEARANCE.—Upon a request by a borrower for forbearance under paragraph (1), such forbearance shall be granted for up to 180 days, and shall be extended for an additional period of up to 180 days at the request of the borrower, provided that, at the borrower’s request, either the initial or extended period of forbearance may be shortened.

(3) ACCRUAL OF INTEREST OR FEES.—During a period of forbearance described in this subsection, no fees, penalties, or interest 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, shall accrue on the borrower’s account.

(c) REQUIREMENTS FOR SERVICERS.—

(1) IN GENERAL.—Upon receiving a request for forbearance from a borrower under subsection (b), the servicer shall with no additional documentation required other than the borrower’s attestation to a financial hardship caused by the COVID–19 emergency and with no fees, penalties, or interest (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) charged to the borrower in connection with the forbearance, provide the forbearance for up to 180 days, which may be extended for an additional period of up to 180 days at the request of the borrower, provided that, the borrower's request for an extension is made during the covered period, and, at the borrower's request, either the initial or extended period of forbearance may be shortened.

(2) FORECLOSURE MORATORIUM.—Except with respect to a vacant or abandoned property, 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. 4023. FORBEARANCE OF RESIDENTIAL MORTGAGE LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES WITH FEDERALLY BACKED LOANS.

(a) IN GENERAL.—During the covered period, a multifamily borrower with a Federally backed multifamily mortgage loan experiencing a financial hardship due, directly or indirectly, to the COVID–19 emergency may request a forbearance under the terms set forth in this section.

(b) REQUEST FOR RELIEF.—A multifamily borrower with a Federally backed multifamily mortgage loan that was current on its payments as of February 1, 2020, may submit an oral or written request for forbearance under subsection (a) to the borrower's servicer affirming that the multifamily borrower is experiencing a financial hardship during the COVID–19 emergency.

(c) FORBEARANCE PERIOD.—

(1) IN GENERAL.—Upon receipt of an oral or written request for forbearance from a multifamily borrower, a servicer shall—

(A) document the financial hardship;

(B) provide the forbearance for up to 30 days; and

(C) extend the forbearance for up to 2 additional 30 day periods upon the request of the borrower provided that, the borrower's request for an extension is made during the covered period, and, at least 15 days prior to the end of the forbearance period described under subparagraph (B).

(2) RIGHT TO DISCONTINUE.—A multifamily borrower shall have the option to discontinue the forbearance at any time.

(d) RENTER PROTECTIONS DURING FORBEARANCE PERIOD.—A multifamily borrower that receives a forbearance under this section may not, for the duration of the forbearance—

(1) evict or initiate the eviction of a tenant from a dwelling unit located in or on the applicable property solely for nonpayment of rent or other fees or charges; or

(2) charge any late fees, penalties, or other charges to a tenant described in paragraph (1) for late payment of rent.

(e) NOTICE.—A multifamily borrower that receives a forbearance under this section—

(1) may not require a tenant to vacate a dwelling unit located in or on the applicable property before the date that is 30 days after the date on which the borrower provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the forbearance.

(f) DEFINITIONS.—In this section:

(1) **APPLICABLE PROPERTY.**—The term “applicable property”, with respect to a Federally backed multifamily mortgage loan, means the residential multifamily property against which the mortgage loan is secured by a lien.

(2) **FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.**—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) 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 or the Federal National Mortgage Association.

(3) **MULTIFAMILY BORROWER.**—the term “multifamily borrower” means a borrower of a residential mortgage loan that is secured by a lien against a property comprising 5 or more dwelling units.

(4) **COVID–19 EMERGENCY.**—The term “COVID–19 emergency” means the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act ([50 U.S.C. 1601](#) et seq.).

(5) **COVERED PERIOD.**—The term “covered period” means the period beginning on the date of enactment of this Act and ending on the sooner of—

(A) the termination date of the national emergency concerning the novel coronavirus disease (COVID–19) outbreak declared by the President on March 13, 2020 under the National Emergencies Act ([50 U.S.C. 1601](#) et seq.); or

(B) December 31, 2020.

* * * * *

SEC. 4024. TEMPORARY MORATORIUM ON EVICTION FILINGS.

(a) **DEFINITIONS.**—In this section:

(1) **COVERED DWELLING.**—The term “covered dwelling” means a dwelling that—

(A)) is occupied by a tenant—

(i) pursuant to a residential lease; or

(ii) without a lease or with a lease terminable under State law; and

(B)) is on or in a covered property.

(2) **COVERED PROPERTY.**—The term “covered property” means any property that—

(A)) participates in—

(i) 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

(ii) the rural housing voucher program under section 542 of the Housing Act of 1949 ([42 U.S.C. 1490r](#)); or

(B) has a—

(C)

(i) Federally backed mortgage loan; or

(ii) Federally backed multifamily mortgage loan.

(3) DWELLING.—The term “dwelling” —

(A)) has the meaning given the term in section 802 of the Fair Housing Act ([42 U.S.C. 3602](#)); and

(B)) includes houses and dwellings described in section 803(b) of such Act ([42 U.S.C. 3603\(b\)](#)).

(4) FEDERALLY BACKED MORTGAGE LOAN.—The term “Federally backed mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A) 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, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) 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 or the Federal National Mortgage Association.

(5) FEDERALLY BACKED MULTIFAMILY MORTGAGE LOAN.—The term “Federally backed multifamily mortgage loan” includes any loan (other than temporary financing such as a construction loan) that—

(A)) is secured by a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families, including any such secured loan, the proceeds of which are used to prepay or pay off an existing loan secured by the same property; and

(B) 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 or the Federal National Mortgage Association.

(b) MORATORIUM.—During the 120-day period beginning on the date of enactment of this Act, the lessor of a covered dwelling may not—

(1) 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; or

(2) charge fees, penalties, or other charges to the tenant related to such nonpayment of rent.

(c) NOTICE.—The lessor of a covered dwelling unit—

(1) may not require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and

(2) may not issue a notice to vacate under paragraph (1) until after the expiration of the period described in subsection (b).