



**CIVIL DISTRICT COURT  
FIRST AND SECOND CITY COURT  
PARISH OF ORLEANS**

## **Evictions and Foreclosures under the CARES Act**

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### **Information and Resources for Owners/Landlords**

#### **EVICCTIONS**

The [Coronavirus Aid, Relief and Economic Security \(CARES\) Act](#) protects tenants from eviction in certain covered properties. Tenants in covered properties cannot be:

- evicted for nonpayment of rent.
- charged late fees, penalties or other charges related to nonpayment of rent.

These protections took effect March 27, 2020 and end on July 25, 2020.

**Covered properties** include those properties:

- (1) with a federally backed mortgage loan or
- (2) that “participate in” a “covered housing program”

Housing programs covered under the CARES Act include:

- Property that contains any Public Housing units;
- Federally funded housing, including Section 8 vouchers and Project Based Section 8 vouchers (PBV);
- Property that is federally subsidized under any HUD program;
- Low Income Housing Tax Credit (LIHTC) property;
- Property where the tenant uses VASH (HUD-Veterans Affairs) or Rural Housing vouchers;
- Housing Opportunities for Persons with AIDS units (HOPWA);
- Property that has any Permanent Supportive Housing Units (PSH), or any tenants that use a PSH or Shelter Plus voucher;
- Property that contains any HOME Investment Partnership Units; and
- Properties that participate in Violence Against Women Act (VAWA) subsidy program or participates in Section 542 Rural Housing Voucher program.

Federally backed mortgage loans are those loans:

- made, insured, guaranteed, supplemented, or assisted in any way, by any officer or agency of the federal government, or
- purchased or securitized by the Federal Home Loan Mortgage Corporation (**Freddie Mac**) or the Federal National Mortgage Association (**Fannie Mae**).

If the Owner/landlord seeks to evict a tenant, the Owner/landlord must firstly carefully read the CARES Act to determine if the property in question falls under the CARES Act. If the property is a covered property under the CARES Act, the Court cannot allow an eviction to proceed under the law.

Any determination by the Owner/Landlord that the property at issue does not fall under the CARES Act and is not a covered property must be substantiated in court at the hearing on the Rule for Possession. The Owner/Landlord must provide evidence.

### RELIEF FROM FORECLOSURE

Additionally, CARES Act § 4022 provides Relief from Foreclosure for "federally-backed loans," which means loans (for 1–4 family properties) purchased, securitized, owned, insured, or guaranteed by Fannie Mae or Freddie Mac, or owned, insured, or guaranteed by FHA, VA, or USDA.

A servicer of federally backed mortgage loan may not: initiate any judicial or nonjudicial foreclosure process, move for a foreclosure judgment, order a sale, or execute a foreclosure-related eviction or foreclosure sale. The provision lasts for not less than the sixty-day period beginning on March 18, 2020. This provision is not limited to borrowers with a COVID-19 related hardship.

### RESOURCES

At the time you file your Rule for Possession, you must file a copy of your **LEASE** and a **SWORN AFFIDAVIT**. The Affidavit will be provided to you by the Clerk of Court.

In order to execute the Affidavit you will have to research the history of your property.

The following are databases which may assist you in determining if your property has a federally backed mortgage and whether your property participates in a qualified housing program:

- [National Low Income Housing Coalition Database of Multifamily Housing](https://nlihc.org/federal-moratoriums?ct=t%28update_041720%29)  
[https://nlihc.org/federal-moratoriums?ct=t%28update\\_041720%29](https://nlihc.org/federal-moratoriums?ct=t%28update_041720%29)

The National Low Income Housing Coalition 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.

Databases to determine whether a multifamily property has a Fannie Mae or Freddie Mac mortgage on resources released by the Federal Housing Finance Agency. (Note: These tools do not cover single-family properties with 1-4 units).

- [Fannie Mae](https://www.knowyouroptions.com/rentersresourcefinder) (<https://www.knowyouroptions.com/rentersresourcefinder>)
- [Freddie Mac](https://myhome.freddie.mac.com/renting/lookup.html) (<https://myhome.freddie.mac.com/renting/lookup.html>)
- [Consumer Financial Protection Bureau](https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/)  
<https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/>

- [Fannie Mae Mortgage Loan Lookup](https://www.knowyouroptions.com/loanlookup)  
<https://www.knowyouroptions.com/loanlookup>
- [Freddie Mac Loan Lookup Tool](https://www3.freddiemac.com/loanlookup/)  
<https://www3.freddiemac.com/loanlookup/>

The National Housing Preservation Database of multifamily properties with certain federal subsidies:

- [National Housing Preservation Database](https://preservationdatabase.org/)  
<https://preservationdatabase.org/>

You can call the FHA, VA, USDA, Fannie Mae, or Freddie Mac escalation number to inquire as to the status of their mortgage:

- [Home Affordable Modification Program](https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp)  
<https://www.hmpadmin.com/portal/resources/advisors/escalation.jsp>

The above list of suggested databases is not an exhaustive or restrictive checklist. If you have additional evidence you want to submit to the Judge, bring it to court. You should also secure a copy of your **Mortgage or Deed** and printout your research and have all of your evidence available to present to the Judge at the hearing.

While we strive to provide you with available resources and tools to assist you with the presentation of your case; however, the Court CANNOT give legal advice. The evidence you bring to court must be sufficient to support your position that the property is not a covered property under the CARES Act.

We look forward to serving you.