

FHA, VA, USDA Foreclosure and Eviction Moratoria, and Forbearance Application Deadline, Extended to June 30; Current List of Time Periods for GSEs, Federal Agencies and West Coast States Foreclosures and Evictions, and Forbearance Applications

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Following last week's FHFA announcement extending the Fannie Mae and Freddie Mac foreclosure and eviction moratoria and their deadlines for applying for COVID-related forbearance, the White House announced on February 16 that FHA, VA, and USDA will extend their single-family residential foreclosure and eviction moratoria, and their deadlines for applying for COVID-related forbearance, to June 30, 2021. Additionally, the amount of time a borrower may be in a COVID-related forbearance will be increased for an additional six months for those who first enrolled in a forbearance plan before June 30, 2020.

NOTE THAT federal and GSE restrictions apply to loans covered by restrictions, even if a state does not have moratoria or restrictions of its own. ALSO NOTE that the below list does not include restrictions in individual counties and municipalities. The foreclosure and eviction moratoria and forbearance application deadlines for the GSEs, federal agencies and the states of California, Arizona, Washington and Oregon are now as follows:

GSEs and Federal Agencies

Freddie Mac and Fannie Mae

Foreclosure and eviction moratoria – until March 31, 2021.

Forbearance – borrowers with a mortgage backed by Fannie Mae or Freddie Mac may be eligible for an additional forbearance extension of up to three months. Eligibility for the extension is limited to borrowers who are on a COVID-19 forbearance plan as of February 28, 2021, and other limits may apply. Further, COVID-19 payment deferral for borrowers with an Enterprise-backed mortgage can now cover up to 15 months of missed payments.

FHA

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance application deadline – until June 30, 2021.

U.S. Department of Agriculture

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance – until June 30, 2021.

Veterans Administration

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance – until June 30.

Centers for Disease Control

Evictions – until March 31, 2021.

States

California

Foreclosures – no statewide moratorium.

Evictions – Landlords cannot bring an action for unlawful detainer based on nonpayment of COVID-19 rental debt until August 1, 2021, if the tenant provides a declaration of COVID-related hardship, and, for rent due from September 1, 2020 to June 1, 2021, the tenant pays 25% of the rent. There is also a moratorium until July 1, 2021 on unlawful detainers that allege a cause of action other than nonpayment of COVID-19 rental debt for the purpose of retaliating against the lessee because the lessee has COVID-19 rental debt.

The date on which an action to recover COVID-19 rental debt may be brought is August 1, 2021.

Forbearance – SB 1079 requirements to give foreclosure applicants notice of denials remain in effect until September 1, 2021.

Washington

Foreclosures – no statewide moratorium, but the Department of Financial Institutions has issued guidance strongly encouraging servicers to work with borrowers.

Evictions – until March 31, 2021.

Oregon

Foreclosures – there was a foreclosure moratorium which is generally thought to have expired December 31, 2020, but there is uncertainty about whether it actually expired. There are ongoing efforts in the Oregon legislature to further extend the moratorium.

Evictions – until June 30, 2021.

Arizona

Foreclosures – no statewide moratorium.

Evictions – no statewide moratorium.

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