

FHFA Extends Freddie Mac and Fannie Mae Single-Family Eviction and Foreclosure Moratoria, and Extends GSE Forbearance and Deferral Lengths; List of Current Periods for GSEs, Federal Agencies and States of California, Washington, Oregon and Arizona

By [Michael Flynn](#), [Doug Prince](#) and [Khaled Tarazi](#)

Buchalter's February 16 COVID Alert (<https://www.buchalter.com/wp-content/uploads/2021/02/FHA-VA-USDA-Foreclosure-and-Eviction-Moratoria-and-Forbearance-Application-Deadline-Extended-to-June-30.pdf>) reported that the federal government had extended the FHA, VA and USDA timelines for single-family foreclosure and eviction moratoria and forbearance periods to June 30, 2021. On February 25, FHFA announced that:

- The time periods for Freddie Mac's and Fannie Mae's single-family eviction and foreclosure moratoria have been also extended to the same June 30, 2021 date.
- The GSEs' COVID-19 forbearance periods have been extended to allow borrowers to be in forbearance plans for up to 18 months. Borrowers must be in a forbearance as of February 28, 2021 to be eligible, and other limitations may apply.
- The GSEs' COVID-19 Payment Deferral for borrowers with a GSE-backed mortgage can now cover up to 18 months of missed payments.

The current deadlines for COVID related eviction and foreclosure moratoria, and for forbearance extensions, for the GSEs, federal agencies, and the West Coast states of California, Washington, Oregon and Arizona are as follows:

GSEs and Federal Agencies

Freddie Mac and Fannie Mae

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance – borrowers with a mortgage backed by Fannie Mae or Freddie Mac may be eligible for an additional forbearance extension of up to six 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 18 months of missed payments.

FHA

Foreclosure and eviction moratoria – Borrowers who were in a forbearance plan on or before June 30, 2020, may be eligible for an additional forbearance extension of up to six months in two three month increments.

Forbearance application deadline – until June 30, 2021.

U.S. Department of Agriculture

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance – Borrowers who were in a forbearance plan on or before June 30, 2020, may be eligible for an additional forbearance extension of up to six months in two three month increments.

Veterans Administration

Foreclosure and eviction moratoria – until June 30, 2021.

Forbearance – Borrowers who were in a forbearance plan on or before June 30, 2020, may be eligible for an additional forbearance extension of up to six months in two three month increments.

Centers for Disease Control

Tenant Evictions – until March 31, 2021. But see the Buchalter COVID Alert regarding a Texas Federal Court finding the CDC eviction order unconstitutional (<https://www.buchalter.com/wp-content/uploads/2021/02/Federal-Court-Declares-CDC-Eviction-Moratorium-is-Unconstitutional-But-Does-Not-Enjoin-the-Order.pdf>).

States

California

Foreclosures – no statewide moratorium.

Evictions – Landlords cannot bring an action for unlawful detainer based on nonpayment of COVID-19 rental debt until July 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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Michael C. Flynn
Of Counsel
(213) 891-5262
mflynn@buchalter.com



Doug Prince
Shareholder
(206) 319-7041
dprince@buchalter.com



Khaled Tarazi
Attorney
(480) 383-1840
ktarazi@buchalter.com



John L. Hosack
Shareholder
(213) 891-5080
jhosack@buchalter.com



Jennifer Smith
Senior Counsel
(213) 891-5265
jsmith@buchalter.com



Jason E. Goldstein
Shareholder
(949) 224-6235
jgoldstein@buchalter.com

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