



THE CDC EVICTION MORATORIUM HAS ENDED. WHAT RIGHTS DO TENANTS HAVE WHO CANNOT PAY RENT?

1. Check to see if your landlord has a mortgage forbearance.

Through 09/30/21, there is an ongoing moratorium on evictions for nonpayment of rent for properties with federal mortgages when the landlord is receiving mortgage forbearance (deferred payment) for buildings with 5 or more units. The building mortgage must be backed by Fannie Mae or Freddie Mac (FHFA), the Federal Housing Administration (FHA), the U.S. Department of Agriculture (USDA), or the Veterans Administration (VA). To find out if a tenant is in a residence covered by this moratorium, go to Consumer Financial Protection Bureau's webpage (<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/federally-subsidized/>) and Federal Housing Finance Agency's webpage (<https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-Multifamily-Tenant-Protections.aspx>) for tools and information about additional requirements for landlords.

2. Check to see if your landlord has a federally backed mortgage.

Minimum 30-day Notice to Tenant to Move Out: No landlord (public or private) whose underlying financing for a multifamily property is backed by the federal government (e.g., HUD/FHA or USDA), purchased or securitized by the Federal Home Loan Mortgage Corporation (Freddie Mac) or the Federal National Mortgage Association (Fannie Mae), or that is receiving assistance from the federal government may require a tenant to vacate their unit for nonpayment of rent until 30 days after the landlord has provided the tenant with a Notice to Vacate. Writs issued for those properties will be made enforceable after 30 days from the date the "5-Day Notice" is given to the tenant.

<https://www.fhfa.gov/Media/PublicAffairs/Pages/FHFA-Announces-Multifamily-Tenant-Protections.aspx>

3. Check to see if your landlord accepted rental assistance in the last thirty days.

Many rental assistance programs require your landlord to not evict you for thirty days after the landlord receives rental assistance. Check with your rental assistance agency about this requirement and the date your landlord received payment.

4. Are you able to pay any rent?

If your landlord has not filed a complaint in court against you, if you pay any amount of rent and your landlord accepts the rent, they cannot evict you for that month. Even if the partial payment came from a third party (except a government agency), this protection exists.

5. Did your landlord previously take you to court for nonpayment of rent or nonrenewal of your lease and the judge continued your hearing without giving you a judgment because of the CDC Order?

- If yes, the court will be scheduling your continued eviction hearing soon. You should make sure to watch for notices of your court hearing. You should try to get rental assistance immediately and try to work out an agreement with your landlord. If your landlord accepts any part of part of your rent from anyone besides a governmental agency, you cannot be evicted the month your landlord accepted the partial payment. (However, your landlord can still attempt to evict you the following month). If you cannot pay rent, you may receive a judgment against you at the hearing.
- The landlord can go back to the court after five days to get a writ of restitution.
- Writs of restitution are executed (served on a tenant or the rental unit) by a constable or sheriff.
- The landlord may not change the locks or enter the rental unit until the writ of restitution has been issued by the court and served by the constable or sheriff. The tenant can call the police if the landlord changes the locks or enters the rental unit too early.

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6. Did your landlord previously get a judgment for nonpayment of rent against you but you were not locked out of your home because of the CDC Order?

- If yes, your landlord can either file an Application for a Writ or a Motion for Amended Judgment. If your landlord files a motion for an amended judgment, the court will have a hearing about the amended judgment between three to six days after setting notice of the hearing. You have a right to dispute the amended judgment if you disagree with the amount. If your landlord accepted rental assistance, make sure to tell the judge. If the judge grants a judgment against you, the landlord will still have to apply for a writ.
- If your landlord applies for a writ, you can still file a response with the court and dispute the writ. The judge will decide to have a hearing or not. If the judge orders the writ, the writ cannot be issued against you for at least five days.
- Writs of restitution are executed (served on a tenant or the rental unit) by a constable or sheriff.
- The landlord may not change the locks or enter the rental unit until the writ of restitution has been issued by the court and served by the constable or sheriff. The tenant can call the police if the landlord changes the locks or enters the rental unit too early.

7. What if my landlord received a judgment for nonpayment against me but I do not owe them any more money?

Until October 15, 2021, you have a right to file Motion to Compel Satisfaction of Judgment if your landlord has been paid all monies due in a judgment for nonpayment of rent. However, you may want to ask your landlord to stipulate to vacating the judgment.

8. Is your landlord charging you for rent from 3/27/20 to 7/24/20?

CARES Act Prohibition: The CARES Act prohibits landlords with federally backed mortgages or with tenants with federal subsidies from charging penalties or late fees for unpaid rent during the 03/27/20 to 07/24/20, time period that the CARES Act moratorium was in effect. Landlords may satisfy attestation requirements by filing the "Attestation of Plaintiff" form with the complaint, a motion to amend a judgment, or a writ of restitution. Landlords can determine whether they had a covered mortgage by using the federal lookup tools (<https://www.consumerfinance.gov/ask-cfpb/how-can-i-tell-who-owns-my-mortgage-en-214/>).

9. How do I find out if my landlord has a federally backed mortgage?

Tenants may use Fannie Mae's and Freddie Mac's multifamily property lookup tools to determine if they live in a multifamily property with a mortgage loan purchased or securitized by that Enterprise. These lookup tools do not include other federally-backed properties.

• Fannie Mae Renters Resource Finder - <https://www.knowyouroptions.com/rentersresourcefinder>

• Freddie Mac Rental Property Lookup - <https://myhome.freddie.mac.com/renting/lookup.html>

10. Where can I receive free legal assistance in Maricopa, Mohave, La Paz, Yavapai and Yuma?

Contact Community Legal Services and apply for services at 602-258-3434, or visit <https://clsaz.org>.