INFORMATION FOR TENANTS IN RENTAL PROPERTIES WITH A FANNIE MAE OR FREDDIE MAC MORTGAGE

FEDERAL PROTECTIONS FOR TENANTS DURING THE COVID-19 NATIONAL EMERGENCY

In response to the COVID-19 pandemic, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was enacted on March 27, 2020. There are two relevant provisions of this law for property owners of multifamily rental properties (defined as properties with five or more units) and their tenants:

1. A forbearance program established for multifamily rental properties with federally-backed mortgage loans, including loans owned by Fannie Mae or Freddie Mac (the Enterprises); and
2. The prohibition of evictions due to nonpayment of rent for tenants in multifamily properties receiving forbearance under this program.

Property owners are prohibited from charging late fees or other penalties for nonpayment of rent during the period of forbearance and must provide a 30-day notice to vacate prior to eviction. The CARES Act’s forbearance eligibility period expires at the termination of the national emergency or on December 31, 2020, whichever comes first. Tenants can use the online lookup tools (see call out on page 2) to determine whether the multifamily property they are leasing has an Enterprise-backed mortgage.

On September 4, 2020, the Centers for Disease Control and Prevention (CDC) published an order called the “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19.” The CDC order is independent of the CARES Act and has different rules and requirements. It applies to all tenants in all fifty states and US territories (except for American Samoa), regardless of whether the tenant lives in a single-family property or a multifamily property or whether the property has a federally-backed mortgage. The order prohibits evictions for nonpayment of rent if the tenant meets certain conditions, including economic and financial hardships incurred as a result of the pandemic. To stop or prevent an eviction under the CDC order, the tenant must provide a declaration to their landlord affirming that they meet several conditions outlined in the order. The CDC order is in effect through June 30, 2021.

These federal eviction protections do not relieve tenants of any obligation to pay rent or from any other lease terms and property rules. Tenants still may face evictions for reasons other than not paying rent or making a housing payment. See the Applicability section of the CDC order to learn more.

ADDITIONAL PROTECTIONS FOR TENANTS IN ENTERPRISE-BACKED MULTIFAMILY PROPERTIES

The Federal Housing Finance Agency (FHFA) has taken actions that provide tenant protections and support multifamily property owners during the COVID-19 national emergency. Prior to the passage of the CARES Act, the Enterprises announced on March 23, 2020 a forbearance program for multifamily property owners that provides the same tenant protections described above.

SUMMARY OF TENANT PROTECTIONS

Tenants may be protected from eviction from rental properties under one or more of the following:

- The CDC eviction moratorium that extends to June 30, 2021;
- The CARES Act eviction protections for tenants of multifamily properties in forbearance (a program that allows the property owner to delay their mortgage payments); and/or
- State or local eviction moratoria or rules (not covered in this fact sheet).

For Enterprise-backed mortgages in forbearance, property owners are not permitted to:

- Charge late fees or penalties for back rent;
- Require past due rent to be repaid in a lump sum; or
- Evict a tenant without a 30-day written notice.

Any borrower that fails to comply with applicable law may be subject to remedies under the loan documents, which could include moving the loan into a technical default and revocation of the forbearance (if applicable).

Tenants experiencing financial hardship who are unable to pay rent on time should immediately contact their landlord. While an eviction moratorium is in place, rent payments generally are still due on the usual date for tenants in Enterprise-backed properties.
HOW TO FIND OUT IF A MULTIFAMILY PROPERTY HAS AN ENTERPRISE-BACKED LOAN

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 Lookup Tool: https://www.knowyouroptions.com/rentersresourcefinder
- Freddie Mac Lookup Tool: https://myhome.freddiemac.com/renting/lookup.html

Tenants living in multifamily properties with Enterprise-backed mortgages, who need support may contact the appropriate Enterprise:

- Fannie Mae’s Helpline: 877-542-9723
- Freddie Mac’s Helpline: 800-404-3097

Tenants living in properties that do not have an Enterprise-funded mortgage can find additional information from the Consumer Financial Protection Bureau.

OTHER RESOURCES

- Department of Housing and Urban Development Questions and Answers for Office of Multifamily Stakeholders: https://www.hud.gov/sites/dfiles/Housing/documents/HUD_Multifamily_Corona_QA_FINAL.pdf