



As Federal Protections Weaken, Here's a State-by-State Guide to Pandemic Eviction and Foreclosure Policies

October 30, 2020

Kenadi Silcox

Over 9 million homeowners and renters do not expect to be able to make their housing payments for November, according to the [latest survey by the U.S. Census Bureau](#).

Many of those people are shielded from losing their homes to eviction or foreclosure through the end of the year, but the rules are confusing and there is uncertainty about what comes next. Some federal protections passed as part of the CARES Act in March still apply and government agencies have stepped in with patches to some that have expired.

Meanwhile, 15 states have their own eviction and foreclosure moratoriums in place that are either equal to or more robust than federal programs. Even in places where there is no state-mandated freeze, some city and local governments have successfully pushed for more robust protections.

In a few instances there have even been more protections pushed by cities in states that already have moratoriums in place. For example, while California already has extensive laws in place for those struggling to pay rent, the city of San Francisco's Board of Supervisors passed legislation [banning no-fault evictions](#) through the end of March 2021.

But questions remain about how gaps in these programs can be filled and whether or not the protections are pushing off the inevitable when the state of emergency comes to an end.

“What has not been addressed in any meaningful way, is that by the end of the year people nationwide will owe tens-of-billions of dollars that they just can't pay back,” says Diane Yentel, President & CEO of the National Low Income Housing Coalition.

With each state having their own programs and interpretations of legislation, it can be difficult to know what does and does not apply to each individual situation. If you want to know more about your state's specific eviction and foreclosure moratorium status or where to find more information based on your specific needs, you can find it below:

What federal protections do homeowners still have?

When the coronavirus pandemic began to take hold of Americans' lives in March, Congress was swift to pass the CARES Act. In addition to providing stimulus checks and expanded

unemployment benefits, the bill aimed to keep people from becoming homeless during the health crisis. Homeowners with federally-backed mortgages could not be foreclosed on and could claim forbearance, freezing their monthly payments for up to 12 months.

For homeowners with mortgages backed by government-sponsored enterprises Fannie Mae or Freddie Mac, the Federal Housing Finance Agency has extended the foreclosure moratorium through the end of the year, meaning lenders that hold the loans cannot begin the foreclosure process before then (the ban was originally set to expire on August 31.) Borrowers who have suffered financial hardship due to the pandemic can also apply for forbearance, temporarily pausing their mortgage payments. (Homeowners who requested forbearance early in the pandemic and still need assistance will need to call their loan servicer to request another six-month deferral.)

The GSEs and other government loans cover about 70% of all mortgages. The remaining 30% of homeowners with private mortgages are not technically protected under federal law. Some banks are following federal guidelines, but they' are only legally obligated to stop foreclosures in seven states.

What federal protections do renters still have?

The CAREs also included a 120 day moratorium on most federally subsidized housing which covered around 30% of renters nationwide.

It doesn't take a math whiz to notice that we're well beyond the initial 120 days since these measures were taken — or that 60% of renters were left out of the initial legislation. While homeowners who qualified have the option to extend their forbearance after the initial six month period, renters and those with privately-backed mortgages have had to face terrifying uncertainty — especially in states that lack COVID-19 protections.

Some initially believed that President Trump included a sweeping eviction moratorium in a round of executive orders signed on Aug. 5, claiming that he was "protecting people from eviction." In reality, the order told leaders of a few federal agencies to look into existing options for helping those on the brink of losing their homes.

About a month later, the Centers for Disease Control and Prevention, along with the Department of Health and Human Services, put out an agency order halting residential evictions for tenants who would otherwise be at risk of homelessness or at higher risk for contracting COVID-19 until the end of the year. The order applies to a more narrow group of people than the original moratorium outlined in the CARES Act.

Tenants have to certify under penalty of perjury that:

1. They've used their "best efforts" to secure government housing and rental assistance.
2. They expect to earn less than \$99,000 in 2020 income (\$198,000 if filing taxes jointly) or didn't have to report any income to the IRS in 2019.

3. They can't pay their rent in full or make a full housing payment because they've lost their job, had to take an hour or pay cut, or are dealing with extraordinary out-of-pocket medical expenses.
4. They've tried their best to make partial payments that are as close to the full payment as possible.
5. If evicted, their only options would be homelessness or moving into a shared residence with multiple other people in close quarters.

Landlords have no obligation to tell tenants about the CDC moratorium. A report from the Private Equity Stakeholder Project found that large corporate landlords have filed 10,000 evictions in just five states since the moratorium went into effect, including multiple instances where tenants were not aware of the new moratorium.

Additionally, new guidance put out by the CDC on Oct. 9 weakens tenant protections and permitting evictions with the caveat that evictees do not have to vacate the residence until after the moratorium expires. Without further expansions, the nation is likely to face an unprecedented crisis once again.

“We will see a tremendous number of evictions in the dead of winter during a COVID-19 spike,” says Yentel.

Questions also still remain on how repayment of rent owed will work. As of right now California is the only state to explicitly tell renters their missed payments are treated as a debt and should be paid back to the landlord over the course of a year. Residents of other states may only be delaying the inevitable when the freeze ends at the end of December. Plus as of now, nothing stops landlords from adding new fees or higher interest rates on top of rent that tenants already owe, according to an analysis from the Cato Institute.

What — if anything — is each state doing?

Alabama

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Those seeking assistance due to an eviction or foreclosure can contact [Legal Services Alabama](#).

Alaska

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Those seeking assistance due to an eviction or foreclosure can contact [Alaska Law Help](#).

Arizona

Eviction status: Arizona's original state eviction moratorium expires on Oct. 31, but the CDC protections are already in place and more robust than the state moratorium.

Foreclosure status: FHFA moratorium only

You can find applications for assistance and find information on the state's policies on the [Arizona Department of Housing](#) website.

Arkansas

Eviction status: Tenants can file a CDC moratorium form, but may still be ordered to evict and pay back rent after it expires.*

Foreclosure status: FHFA moratorium only

For legal advice, tenants and homeowners facing eviction or foreclosure can visit [Arkansas Legal Services](#).

*Arkansas is the only state in the nation that allows landlords to file criminal charges for evictions. While landlords might not be able to evict a tenant until Jan. 1, it is still possible to be arrested for failure to vacate between now and then.

California

Eviction status: California's eviction moratorium is quite complicated, but provides more protection than the CDC moratorium. Tenants who provide a declaration of hardship and pay at least 25% of their rent from now through Jan. 31, 2021 will be protected from eviction. If tenants don't pay at least 25%, eviction proceedings can begin on Feb. 1. Renters will have one year to pay back the rent missed between Sept. 1 and Jan. 31.

Foreclosure status: California's COVID-19 Small Landlord and Homeowner Relief Act of 2020 requires all mortgage lenders to comply with the FHFA moratorium on foreclosures, regardless of loan type.

A full breakdown of the legislation can be found on [Gov. Newsom's official website](#).

Colorado

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Colorado residents can find information and resources for those facing eviction or foreclosure by going to the [Colorado Department of Local Affairs](#) website.

Connecticut

Eviction status: Connecticut's eviction moratorium states that landlords cannot serve a notice to quit (otherwise known as an eviction) before Jan. 1, 2021. Renters who cannot make their rent payments may also apply for the state's Emergency Housing Assistance Program.

Foreclosure status: FHFA moratorium + EHAP is also available to homeowners struggling to make mortgage payments.

Residents of Connecticut can find updates and official guidance related to housing and the pandemic by going to [Connecticut's Official State Website](#).

Delaware

Eviction status: Delaware is allowing eviction filings to proceed, but landlords must be able to prove to a judge that the eviction is “in the interest of justice.” If they qualify, tenants can still invoke the CDC’s orders in order to avoid eviction. Renters can also apply for housing assistance.

Foreclosure status: FHFA moratorium + mortgage assistance to those who qualify.

Delaware residents can find a breakdown of all of their state’s COVID-19 related legal information by going to [Delaware.gov](#).

Florida

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

If you’re a Florida resident seeking rental assistance due to COVID-19, you can find assistance [based on your city here](#).

Georgia

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Those seeking assistance due to an eviction or foreclosure can contact [Georgia Legal Aid](#).

Hawaii

Eviction status: Hawaii’s eviction moratorium runs through Dec. 31 and prohibits eviction cases due to nonpayment from going forward. Tenants in need can also apply for up to \$1,500 per month of rental assistance provided by the state if they live on Kaua‘i, Maui and Hawai‘i Island and up to \$2,200 if they live on Oahu.

Foreclosure status: FHFA moratorium only

Those in need of rent or mortgage assistance can contact [Hawaii Legal Aid](#).

Idaho

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Idaho residents can access forms and assistance using the state's [Court Self-Help](#) page. Additionally, for those facing eviction, the non-profit organization [Jesse Tree of Idaho](#) can help connect you to a social worker.

Illinois

Eviction status: Illinois's moratorium is set to expire on Nov. 15. In the meantime it protects tenants from eviction if they are unable to make rent payments.

Foreclosure status: The moratorium also protects homeowners with federally and privately backed loans who are late on or unable to make mortgage payments through Nov. 15.

For a full breakdown of tenants and homeowners rights during COVID-19, Illinois residents can visit the [State of Illinois Coronavirus Response](#) page.

Indiana

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

The Indiana state government has provided a resource guide for residents in need. It can be [found here](#).

Iowa

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Iowa residents in need of assistance due to an eviction or foreclosure can contact [Iowa Legal Aid](#).

Kansas

Eviction status: Kansas's eviction moratorium has been extended through Jan. 26, 2021 and temporarily prohibits tenants from being evicted due to failure to pay rent.

Foreclosure status: Kansas's foreclosure moratorium has also been extended through Jan. 26 and temporarily prohibits all lenders from proceeding with foreclosures.

To get further details on Kansas's moratorium, residents can visit the [Kansas Legal Services](#) website.

Kentucky

Eviction status: The Kentucky state government has set up the '[Healthy at Home Eviction Relief Fund](#)' that both tenants and landlords can apply for until Nov. 5. The state is abiding by the CDC moratorium.

Foreclosure status: FHFA moratorium only

To see more information about Kentucky's Healthy at Home Fund or search for legal aid, you can [find the announcement here](#).

Louisiana

Eviction status: Only the CDC moratorium is in effect in Louisiana. Emergency rental assistance is available.

Foreclosure status: FHFA moratorium only

To find out if you qualify and apply for emergency rental assistance, go to the [Louisiana Housing Corporation](#) website.

Maine

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Maine residents can find an overview of options and assistance on the [Maine Equal Justice](#) website.

Maryland

Eviction status: Maryland's eviction moratorium runs through January 4, although the language of the bill states it will continue "until the emergency is over."

Foreclosure status: Foreclosures due to nonpayment are also on hold for all mortgages in Maryland until January 4 or the emergency is over.

For guidance on paying rent and preventing eviction, go to the [Maryland Department of Housing and Community Development](#) website.

Massachusetts

Eviction status: The Massachusetts state moratorium on evictions and foreclosures was allowed to expire on Oct. 18, despite pushback from activists. On Oct. 12, Governor Baker announced an initiative to add \$100 million to the Residential Assistance for Families in Transition relief program and \$50 million to rapid rehousing programs. Renters otherwise facing eviction can also use the CDC moratorium.

Foreclosure status: FHFA moratorium only

Massachusetts residents facing eviction or foreclosure can find legal help and resources by going to <https://www.masslegalhelp.org/>.

Michigan

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Those in Michigan seeking legal help due to an impending eviction or foreclosure can visit the [Michigan Legal Help](#) website.

Minnesota

Eviction status: Evictions are suspended in Minnesota until the emergency is over.

Foreclosure status: Financial institutions have been requested to not proceed with foreclosures until the emergency is over, but you should check with your loan provider to confirm whether or not they are adhering to the request.

Those in need of housing support can go to [Minnesota's COVID-19 Response](#) page to learn about their options.

Mississippi

Eviction status: CDC moratorium + the [Mississippi Development Authority](#) is administering grants of up to \$30,000 to residential and commercial landlords who lost income between March 1 and Dec. 31 this year. The state also diverted \$38 million from CARES Act legislation to rental assistance.

Foreclosure status: FHFA moratorium only

Mississippi residents can find housing assistance broken down [by each city here](#).

Missouri

Eviction status: CDC moratorium only*

Foreclosure status: FHFA moratorium only

Missouri residents facing eviction or foreclosure in need of legal help can contact [Missouri Legal Services](#).

*Despite the CDC moratorium, Jackson County — where half of Kansas City is located — has continued to evict residents. There have been numerous [high-profile protests](#) in response, but so far there has been no official change in policy.

Montana

Eviction status: CDC moratorium only + renters in dire need can apply for the Montana Emergency Housing Assistance Program by Nov. 10.

Foreclosure status: FHFA moratorium only

Those in Montana looking for a full rundown of state policies and procedures during COVID-19 can visit the [Montana Housing](#) website.

Nebraska

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Renters and homeowners in need of legal assistance in Nebraska can contact [Legal Aid of Nebraska](#).

Nevada

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Nevada residents in need of assistance or relief can contact the [Nevada Housing Coalition](#).

New Hampshire

Eviction status: CDC moratorium only + the New Hampshire Housing Relief Program is providing one-time assistance grants for those with past-due rent or utility bills.

Foreclosure status: FHFA moratorium only

To find out about COVID-19 related financial assistance options in New Hampshire, residents can go to the [New Hampshire Department of Health and Human Services](#) website.

New Jersey

Eviction status: The New Jersey eviction moratorium states that no one can be removed from their home due to an inability to pay rent during the COVID-19 emergency. Small property landlords can apply for grants to help cover lost income.

Foreclosure status: New Jersey's foreclosure moratorium states that homeowners can't be removed from their home during the state of emergency, even if a final judgement of foreclosure has taken place.

New Jersey residents can find a full rundown of all COVID-19 related policies and procedures by visiting [New Jersey's COVID-19 Information Hub](#).

New Mexico

Eviction status: The state Supreme Court has declared that all evictions due to nonpayment must be paused during the COVID-19 emergency.

Foreclosure status: FHFA moratorium only

New Mexico residents in need of financial assistance or guidance can visit the website of [HELP New Mexico, Inc.](#)

New York

Eviction status: New York's eviction moratorium runs through January 1, but landlords are still allowed to bring tenants to eviction court. Tenants can argue against their own eviction if the pandemic has caused them financial distress. Ultimately though, the interpretation of the moratorium is up to judges.

Foreclosure status: FHFA moratorium + New York’s Banking Law 9-x includes forbearance requirements for privately owned, non-federally backed mortgages.

New York residents can learn more about the foreclosure moratorium by going to the state’s [Department of Financial Services website](#). Tenants impacted by COVID-19 can go to New York state’s [Homes and Community Renewal website](#).

North Carolina

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Those in need of legal assistance or help filling out forms can visit [Legal Aid of North Carolina](#).

North Dakota

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

North Dakota residents can find information about the state’s eviction procedures by going to the state government’s page for [Coronavirus Housing and Homeless Services](#).

Ohio

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

If you’re in need of legal assistance regarding housing in Ohio, you can contact [Ohio Legal Help](#).

Oklahoma

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Residents of Oklahoma can find out information about and how to apply for the CDC moratorium by visiting [Oklahoma Legal Aid](#).

Oregon

Eviction status: Oregon has a moratorium on all non-payment and no-cause evictions in place through December 31.

Foreclosure status: Oregon’s moratorium also protects homeowners with federally and privately backed loans from foreclosure through December 31, including provisions that prevent non-payments from being considered as defaulted, so long as borrowers notify their lenders.

For a full rundown of Oregon’s COVID-19 related housing measures, go to the [Oregon Housing and Community Services website](#).

Pennsylvania

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

The state has created a \$175 million fund to provide rental and mortgage assistance. Pennsylvania residents can find out assistance and eviction information by contacting the [Housing Alliance of Pennsylvania](#).

Rhode Island

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Rhode Island residents can find out more about their state's COVID-19 related housing policies on the state's [Department of Health website](#).

South Carolina

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

For South Carolina residents in need, the [South Carolina Appleseed Legal Justice Center](#) provides a detailed list of all forms of assistance available.

South Dakota

Eviction status: CDC moratorium

Foreclosure status: FHFA moratorium only

The South Dakota Housing Development Authority has a \$10 million fund to provide rental and mortgage assistance. For those in need of assistance, contact [South Dakota Law Help](#).

Tennessee

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Tennessee residents can get up-to-date information and find housing help by going to the state's dedicated [COVID-19 website](#).

Texas

Eviction status: Tenants with incomes up to two-times the national poverty line and their landlords can participate in the Eviction Diversion Program which allows both parties to agree on a resolution to the eviction case if eligibility requirements are met. Tenants can also use the CDC moratorium to avoid eviction.

Foreclosure status: FHFA moratorium only

To get a full rundown of the eligibility requirements for the Eviction Diversion Program and other updates, Texas residents can find information on the [Texas State Law Library website](#).

Utah

Eviction status: CDC moratorium only + landlord can apply on behalf of their tenants for monthly rental assistance totalling \$2,000 or less.

Foreclosure status: FHFA moratorium only

Utah residents can find a multitude of resources available and get questions answered by visiting the [Utah Housing Coalition website](#).

Vermont

Eviction status: Evictions have been paused in Vermont until 30 days after the state of emergency has ended. Additionally, the Vermont State Housing Authority is providing assistance to landlords on behalf of renters who are struggling to pay rent.

Foreclosure status: FHFA moratorium only

To get updates on Vermont's COVID-19 related housing policies and apply for assistance, visit the [Vermont State Housing Authority website](#).

Virginia

Eviction status: Virginia's eviction moratorium will continue through Dec. 31. The state plans to begin a rent relief program starting in Jan. 2021.

Foreclosure status: FHFA moratorium only

Virginia residents in need of legal assistance regarding their housing situation can contact [Virginia Legal Aid](#).

Washington

Eviction status: Washington's eviction moratorium was expanded through Dec. 31, establishing that tenants cannot be evicted due to late or missing rent payments until then.

Foreclosure status: FHFA moratorium only

Residents can get a full rundown of Washington's COVID-19 related policies by going to the state's [dedicated coronavirus website](#).

West Virginia

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

West Virginia residents can find critical information regarding housing and COVID-19 by going to the [West Virginia Legal Aid website](#).

Wisconsin

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Wisconsin residents can find out more about the state's application of the CDC moratorium by going to the [Wisconsin Department of Agriculture, Trade and Consumer Protection website](#).

Wyoming

Eviction status: CDC moratorium only

Foreclosure status: FHFA moratorium only

Wyoming residents can seek assistance and find out more by contacting the [Wyoming Community Development Authority](#)