



Concerned About Paying Rent During COVID-19? Here's What You Can Do.

With unemployment rising to historic numbers, many Bexar County residents are concerned about their ability to pay rent and what the consequences will be.

These concerns have not gone unheard, as the city and county have quickly mobilized resources to assist. To date, more than 10,000 families have requested rent or mortgage relief through the [San Antonio Emergency Housing Assistance Program](#) and the [Bexar County Temporary Rental Assistance Measure \(TRAM\)](#). The City also recently approved nearly \$28 million in additional funding towards rental and mortgage assistance through the Recovery and Resiliency Plan for the ongoing COVID-19 pandemic.

While many citizens have received counseling and financial assistance, others are still searching for help or may be facing new financial realities. We are with you.

We evaluated some of the most common questions received about moratoriums on evictions and foreclosures due to the pandemic, and let our experts provide their insight.

Q: I am a renter. Can I be evicted for failure to pay rent during this time?

A: It depends on many factors.

Under the CARES Act, the federal government implemented a 120-day moratorium on evictions for any residential property that receives federal housing funds, has a federally backed mortgage loan, or is either public housing and mixed income housing. For a complete list of properties covered under the CARES Act, [click here](#).

Once that ban expires on July 25, landlords must give tenants 30 days notice before eviction, according to the law. Landlords of properties covered under the CARES Act are prohibited from initiating eviction proceedings or charging fees, penalties, or other charges against a tenant for the nonpayment of rent until August 25, 2020.

In San Antonio, at least 130,200 of the city's 257,300 rental units are on properties covered by protections under the CARES Act, according to the National Low Income Housing Coalition. This number however, only includes multi-family properties with five or more units. There are currently no lookup tools that include rental properties of one to four units backed by Fannie Mae or Freddie Mac. It is likely there are many more single-family homes, duplexes, triplexes and fourplexes covered by federal law.

For renters, not covered under the CARES Act, Bexar County Justice of the Peace courts suspended all proceedings and deadlines for residential evictions through June 22nd except in circumstances where the tenant or the tenant's household members or guests poses an imminent threat of criminal activity or of physical harm to the landlord, the landlord's employees, or other tenants. Such cases may nevertheless proceed during this time.

While the moratorium is in effect, tenants can still be issued a notice to vacate for nonpayment of rent. Therefore, it is important for you to communicate with your landlord as soon as you can to come to an understanding about the payment of rent.

If you are the subject of an eviction, use [this flowchart](#) to determine what your protections and resources are during this time.

Q: I am a property owner. Can I be foreclosed on for failure to pay my mortgage during this time?

On March 26, the Federal Housing Administration implemented a 60-day moratorium on foreclosures for federally-backed mortgages which are those originating from Fannie Mae, Freddie Mac, HUD, FHA and USDA. You may request up to a 60-day forbearance with the option to extend an additional 120 days. If your loan is owned by Fannie Mae or Freddie Mac, you may be able to temporarily delay your monthly mortgage payments in which you will not incur late fees and foreclosures and other legal proceedings will be on hold. You also are not required to repay missed payments in one lump sum. If you are having trouble paying your mortgage due to the COVID-19 crisis, contact your mortgage lender as soon as possible to discuss with them your options.

Q: How can I determine whether my home is covered by the federal moratorium?

A: The City of San Antonio has created a new online tool for renters to determine whether they live in properties covered by the CARES Act moratorium.

The site can be found [here](#).

Moreover, the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) established a renters resource-finder database of properties with federal mortgages covered by the CARES Act:

[Fannie Mae resource finder](#)

[Freddie Mac resource finder](#)

Q: For a tenant in a covered property, is the tenant required to provide any proof of financial hardship due to COVID-19 for the temporary moratorium on evictions to apply?

A: No

The moratorium through July 24, 2020, on filing evictions for nonpayment of rent or other amounts due under the lease is not conditioned on the proof of (or even the existence of) financial hardship due to COVID-19. Rather, the moratorium applies based on the characteristics of the property.

Q: Does the CARES Act impact evictions other than for nonpayment of rent?

A: No

The temporary moratorium on eviction filings under the CARES Act only impacts evictions based on nonpayment of rent or other amounts due under the lease. For instance, if a tenant has a pet that is not authorized under the lease, the CARES Act does not prohibit the landlord from filing an eviction on that basis at any time.

However, the Texas Supreme Court now requires the landlord to file a sworn statement that the property is not subject to the moratorium on evictions imposed by the CARES Act for eviction proceedings filed from March 27, 2020, through July 25, 2020. It is unclear at this time how courts will handle an eviction petition based on reasons that are not associated with nonpayment of fees if the petition includes with a sworn statement that the property is subject to the CARES Act.

Additionally, some local governments have taken action to limit evictions that go beyond the actions taken by the CARES Act and the Texas Supreme Court. Therefore, while the CARES Act may not prohibit a landlord from filing a particular eviction, the eviction may nevertheless be placed on hold or restricted due to other legal authority.

Q: Is rent that accrues during the eviction moratorium forgiven?

A: No

The moratorium prohibits housing providers from initiating eviction proceedings or charging fees for late payment or nonpayment, but does not forgive rent due during that period. Recently published HUD guidance confirms that tenant rents are still due during the eviction moratorium. That means that at least in theory, the full amount of accrued but unpaid rent is due at the end of the moratorium. If a tenant does not pay its full rent on time during the eviction moratorium, the tenant is in default of its lease obligations and the owner can start eviction proceedings when the moratorium is over.

Of course, the owner needs to consider any state or local eviction moratoriums that may still be in place after July 24, 2020 (more on that below). The owner may also negotiate other repayment terms. Negotiated terms may be a path to a greater and less acrimonious recovery of missed rent payments.

Updated 6/9/20

Q: I am having trouble paying my rent or mortgage. What local help is available?

A: The City of San Antonio has established the [Emergency Housing Assistance Program](#) to help families pay rent, mortgage, utilities and internet bills by paying the landlord, financial institution, internet provider and utility provider directly. It also provides assistance to purchase groceries, gas and medicine as they cope with the COVID-19 pandemic.

To apply, you must:

- Be a San Antonio resident
- Provide proof of financial hardship that makes you unable to pay rent, mortgage or utilities
- Have an income at or below \$72,000 a year
- Be the primary lease or mortgage holder in a multifamily unit, mobile home, or single-family home within the city limits of San Antonio

To be paid by the City, landlords should be registered as City vendors. Landlords should complete a Rent W-9 and Vendor Information Form and email the forms to vendors@sanantonio.gov.

For properties located outside the city limits, Bexar County has established the [Bexar County Temporary Rental Assistance Measure \(TRAM\)](#) designed to provide similar assistance.

For a complete list of housing resources, visit [here](#).

Q: What if I do not have an FHA loan or one backed by Fannie Mae and Freddie Mac?

A: If you have a mortgage loan that is not backed by one of the federal agencies covered by the CARES Act, contact your loan servicer. You can find your servicer's name on your mortgage statement or by searching the [Mortgage Electronic Registration Systems \(MERS\) website](#).

Have the following questions you want to ask, have your account number ready, and check their website before you call to see if there is a list provided of information you may need or if you can apply online.

- What options are accessible to help temporarily reduce or suspend payments?
- Is there forbearance, loan modification, or other options applicable to my situation?
- Can you waive late fees on my mortgage account?

Your servicer should help you identify alternatives that may be available to you given specific circumstances.

Once you are able to secure forbearance or another mortgage relief option, ask your servicer to provide written documentation that confirms the details of your forbearance agreement and that you're clear on what the terms are.

Q: What do I do if I am receiving some sort of mortgage relief?

A: There are several things to do to continue to protect yourself while you are in the CARES Act forbearance period or working under another mortgage relief option.

- Keep written documentation on hand and make sure that you have this documentation available in case there are any errors on your monthly mortgage statements to ensure that your statement reflects the assistance provided.
- Pay attention to your monthly mortgage statement. Continue monitoring your monthly mortgage statements to make sure you do not see any errors.
- Stop or change auto-payments for your mortgage. If you are having your mortgage payment deducted automatically from your bank account, ensure you make any necessary adjustments to avoid any fees or charges.
- Keep an eye on your credit and check your credit reports to ensure there are no mistakes or errors. If you stop making mortgage payments without a forbearance agreement, the servicer will report this information to the credit reporting companies, and it can have a lasting negative impact on your credit history.

The San Antonio Board of REALTORS® is the largest professional trade association in San Antonio and represents over 12,000 REALTOR® members. SABOR's membership services nine counties including Bexar, Atascosa, Frio, Karnes, Kendall, LaSalle, McMullen, Medina and Wilson. SABOR is one of over 1,200 local boards and 54 state and territory organizations of REALTORS® nationwide that make up the National Association of REALTORS®(NAR).