



Granite State Organizing Project

A Voice For Justice

Questions and Answers on Evictions and Foreclosures in New Hampshire during the Covid-19 State of Emergency (SOE)

This fact sheet was created in partnership with New Hampshire Legal Assistance (NHLA). It is not a replacement for legal advice: If you have more detailed questions about a specific situation, contact NHLA through their Legal Aid and Referral Center (LARC) (800-639-5290 or <https://nhlegalaid.org/about/legal-aid-and-referral-center> (9 AM - 1 PM, M-F)).

Note: Things are changing quickly. This is what is true as of May 15, 2020. Check with LARC or GSOP at www.granitestateorganizing.org for updates as the situation progresses.

As of May 15, 2020, the NH state of emergency¹² will be in place until at least June 5, 2020. (Per state law, the governor is allowed to renew the SOE as many times as he sees fit, but he must do so every three weeks.)³

Frequently Asked Questions:

- Can NH tenants be evicted during the NH state of emergency (SOE)?
- Can NH homeowners lose their homes during this state of emergency?
- What is the difference between “forbearance” and “forgiveness”?
- Can I put off paying my rent until after the emergency even if I still have a paycheck?
- What do I need to do/provide to get forbearance for my rent during the emergency?
- How soon after the emergency is over will I have to pay my back rent?
- Will there be any financial help available if I can’t afford to pay my back rent?
- Am I still protected even if my landlord was trying to evict me before the emergency order?
- Besides rent, what about other essential services such as water, heat, and electricity?
- Can my landlord raise my rent during this emergency?

¹ The state of emergency is different than the Stay Home and closing “essential businesses” order. This is currently set to expire May 31, but may also be extended by the governor.

² <https://www.governor.nh.gov/news-media/orders-2020/documents/2020-08.pdf>

³ Manchester Union Leader, Saturday, 04/25/2020 Page .A01

- I've heard that there is an emergency order about people living in hotels, motels, B&Bs, inns, and short-term rentals. If I live in one of these situations, will they make me move?
- Where can I ask for financial help if I need it?

Q. Can NH tenants be evicted during the NH state of emergency (SOE)?

- A. No New Hampshire tenant may be evicted prior to May 4, 2020, except for the following reasons:^{4 5}
- a. Substantial damages to the premises
 - b. Behavior which has a substantial adverse impact on the health or safety of tenants
 - c. If a landlord believes that a tenant has abandoned the premises

Notwithstanding the above, the following may not be protected: 1) occupants of hotels and motels; 2) people in rooming and boarding houses who have not been in residence for 90 consecutive days; and 3) people who rent a room in someone's house with whom they share common facilities (e.g. kitchen, dining room.)

In addition to these state protections, the federal CARES Act⁶ protects anyone in federally subsidized buildings. Owners of federally assisted housing can't begin the eviction process until after July 26.

Finally, the Federal Housing Finance Authority, who back most of the residential mortgage loans in this country, is offering loan "forbearance" to their borrowers. Landlords who accept this offer cannot evict their tenants for non-payment of rent during this time.⁷

Q. Can NH homeowners lose their homes during this state of emergency?

- A. No. The Governor's emergency order #4 prohibits ALL foreclosures during the SOE. And the federal CARES Act provides important opportunities for forbearance for borrowers

⁴ <https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-4.pdf>

⁵ <https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-24.pdf>

⁶ <https://www.congress.gov/bill/116th-congress/senate-bill/3548/text>

⁷ HUD Guidance on COVID-19 National Emergency:

https://www.hud.gov/sites/dfiles/Main/documents/sec184_letter_032020.pdf

with federally insured or subsidized mortgages. Interested homeowners should contact the servicer of their mortgage and ask about forbearance.

Q. What is the difference between “forbearance” and “forgiveness”?

B. *Forgiveness* is that you don't ever have to pay the rent you miss. *Forbearance* is that you don't have to pay yet but will later. The programs described here are forbearance, and you will have to pay the back rent when the emergency is over. We strongly recommend that you keep up as much as possible to avoid having a large debt before you have been able to start working again. If you will owe back rent after the emergency, communicate with your landlord about your situation as early as possible to work out a mutually acceptable plan.

Q. Can I put off paying my rent until after the emergency even if I still have a paycheck?

A. Yes, but this will leave you in a worse economic position when the emergency is over, especially if you were already being evicted for non-payment of rent before the state of emergency. It is wiser to pay all you can and stay in touch with your landlord about your situation.

Q. What do I need to do/provide to get forbearance for my rent during the emergency?

A. This will be case-by-case with each landlord. Good general practice is to keep them informed about your situation, negotiate the best repayment deal you can, and keep a record of all your communications. (Saved emails are one good way to do this.)

Q. How soon after the emergency is over will I have to pay my back rent?

A. The landlord can demand payment as soon as the emergency is over, but you may be able to work out a payment plan if you need it. Communicate with your landlord about your situation as early as possible to work out a mutually acceptable plan.

Q. Will there be any financial help available if I can't afford to pay my back rent?

A. The federal CARES Act ⁸ includes money for Rental Assistance Vouchers and Community Development Block Grant funds that may be used for rental assistance. This money will

⁸ <https://www.congress.gov/bill/116th-congress/senate-bill/3548/text>

become available through local programs. Some of these are listed at the end of these questions.

Q. Am I still protected even if my landlord was trying to evict me before the emergency order?

A. For the time being. Cases will be suspended for the duration but may pick up at the same point when the emergency is over.

Q. Besides rent, what about other essential services such as water, heat, and electricity?

A. Providers of electric, gas, water, telephone, cable, VOIP, internet, and deliverable fuels are prohibited from disconnecting or discontinuing service for non-payment during the state of emergency.⁹ Whether you are a tenant or homeowner, you can seek assistance from your local welfare office if you are unable to pay back utility bills after the state of emergency.

Q. Can my landlord raise my rent during this emergency?

A. You have the normal protections that a landlord cannot raise your rent while you are in the middle of a lease. If you do not have a lease the landlord must give you at least 30 days prior written notice before an increase and you do not have to pay the additional rent if you let them know you plan to move out. (Contact LARC if you are in this situation.) The important thing about this in the state of emergency is that no state or federal emergency measures change these laws in any way.

Q. I've heard that there is an emergency order about people living in hotels, motels, B&Bs, inns, and short-term rentals. If I live in one of these situations, will they make me move?

A. Unlikely. The intent of the order is to provide lodging for vulnerable populations and essential workers. The only people who may be asked to move out are travelers whose reservation is complete (though they may stay if they cannot return home because of flight cancellations, border closures, or other travel constraints).¹⁰

⁹ NH Emergency Order 3: <https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-3.pdf>

¹⁰ <https://www.governor.nh.gov/news-media/emergency-orders/documents/emergency-order-27.pdf>

Q. Where can I go to see more detail about some of these issues?

A. There are several useful resources in our state:

- a. NH Legal Assistance on this and other COVID-19 concerns:
www.nhla.org/blog/NHLA-Community-Guidance-for-COVID-19-crisis-entry-76
- b. Housing Action NH for short and long term policy as well as resources:
housingactionnh.org/resources-in-response-to-covid-19/

Local aid programs that may be able to help:

- The Front Door Agency , Nashua – click [here](#) or call 603-886-2866
- The Way Home, Manchester – click [here](#) or call 603-627-3491
- New Hampshire Catholic Charities - call 603-624-4717
- For information on rental support for immigrants regardless of status - 603-682-1921
- Community Action Agencies – click [here](#) or call 866-444-4211 to find yours
- Your local welfare offices - call 866-444-4211 to find yours
- To find information on avoiding mortgage foreclosure - call 866-444-4211

For tenant organizing and advocacy, contact Granite State Organizing Project at 603-668-8250, gsopstaff@granitestateorganizing.org, or www.granitestateorganizing.org.

To learn more:

- [New Hampshire Executive order 2020-04](#)
- [New Hampshire Emergency order #3](#)
- [New Hampshire Emergency order #4](#)
- [New Hampshire Emergency order #24](#)
- [New Hampshire Emergency order #27](#)
- [New Hampshire Emergency order 2020-28](#)
- [Federal CARES act](#)