



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 Advice and Referral Center (LARC) (800-639-5290 or <https://nhlegalaid.org/about/legal-advice-and-referral-center> (9 AM - 1 PM, M-F)).

The eviction protections in NH state of emergency expired June 30, 2020. All back rent was due on July 1, 2020.

All federal eviction protections expired July 25, 2020. All back rent is now due.

Applications are being accepted from now through December 2020 for NH Housing Relief fund (CARES Act rent and mortgage support).

Frequently Asked Questions

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1. How soon after the NH state of emergency will I have to pay my back rent?

- A. The landlord could demand payment as soon as the emergency was over on July 1, 2020, but you may be able to work out a payment plan if you need it. Communicate with your landlord about your situation to work out a mutually acceptable plan. Keep records of these communications.

There were additional protections through the CARES Actⁱ for anyone in federally subsidized buildings. These expired on July 25, 2020.

2. Is there financial help available if I can't pay my rent for COVID-19 related reasons?

The federal CARES Actⁱⁱ includes funds for housing cost assistance needed because of the COVID-19 pandemic. This money is being distributed as the New Hampshire Housing Relief fund through the five NH Community Action Programs (CAPs) to anyone, regardless of income level, whose ability to pay rent, mortgage, or utilities has been impacted by COVID-19-related changes in income or increased expenses.^{iii iv} You do not have to receive an eviction or foreclosure notice to apply for these funds.

These funds can be used for any rent, mortgage, or housing expense between April and December 2020 that you could not or cannot pay because of impact of the pandemic.

There are two components to this program:

- a. A one-time grant of up to \$2,500 for mortgage, rent or other household expenses that could not be paid because of the economic impact of COVID-19.
- b. Continuing assistance to support and maintain permanent housing. In addition to helping with housing-related expenses not paid during the emergency. This may also include some ongoing assistance to keep people in their homes or move households from shelters into permanent housing. There is no cap on how much assistance may be offered.

To prove eligibility, you may be asked to provide some of the following: Income documents (paystubs, SSI, unemployment), non-income documents (food stamps, other

benefits,) lease agreement, proof of loss of income (furlough or layoff notice), utility bills, any other documents related to COVID-19 expenses, or an eviction notice.^v

Payments will be made directly to landlords and other providers. To receive these payments, the landlords and providers must provide information to the CAP, including their EIN (tax ID). If they refuse to do so, this may be a defense against eviction for non-payment. Contact your caseworker if you find yourself in this situation.

The program will end December 30, 2020.

To find your local CAP to apply or learn more go to www.capnh.org/ or call 211. In addition, other funds are available through local programs. Some of these are listed at the end of these questions.

3. Can my landlord charge late fees for rent I missed during the emergency?

- A. There is no law that says that late fees could not be charged during the state of emergency, but there is a possibility that courts may refuse to enforce them in cases in which the late fee is imposed for late payments made during the emergency.

4. Can NH tenants be evicted after the state of emergency?

- A. Eviction proceedings for non-payment were suspended during the emergency but can resume after July 1, 2020.

If all or part of the rent you missed was due between March 17 and June 11, 2020, the minimum 7-day notice period required in RSA 540:3 is extended for 30 days. This extension does not apply if all your missed rent was due before March 17 or after June 11, 2020.^{vi}

To receive the Cares Act payments through the Community Action Program (CAP), landlords and providers must give information to the CAP including their EIN (tax ID). If they refuse to do so, this may be a defense against eviction for non-payment.

5. Is the multifamily property I rent in protected by federal eviction moratoriums?

- A. This eviction protection ended on July 25, 2020

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

- A. No. Evictions for non-payment were suspended for the emergency but may restart at the same point when the emergency is over.

7. 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 were prohibited from disconnecting or discontinuing service for non-payment until July 15. If you owe money for any of these housing-related expenses, you may be eligible for help from your Community Assistance Program (see question 2) or other resources listed at the end of this page. You can apply for help for any housing related expense you can't pay because of COVID-19 between April and December 2020.

8. My landlord is pressuring me to pay my rent using my credit card. Isn't this more responsible than taking the assistance money available?

- A. The money is available to help people who find themselves unable to pay their rent for reasons related to the COVID-19 emergency. If you use it for this purpose, you could avoid a financial crisis which will threaten your long-term housing stability. We collectively need as many of us as possible to remain in financially stable as we come out of this emergency. You can contribute to our shared long-term recovery by using this financial help now instead of credit, which you will still need to pay (with interest) later.

If you did pay your housing related expenses on with credit during the pandemic and paying that bill now will leave you unable to pay your housing expenses, contact your local CAP. You may be able to use a NH Housing Relief grant to pay your upcoming rent or mortgage.

9. Can NH homeowners lose their homes after the state of emergency?

- A. Homeowners with Fannie Mae and Freddie Mac backed mortgages are protected from foreclosure through August 31, 2020. Interested homeowners should contact their mortgage servicer and ask about forbearance.

Also, the CARES Act funds can be used for one-time help with your mortgage. See question #2 for details.

10. What is the difference between "forbearance" and "forgiveness"?

- A. *Forgiveness* is that you don't ever have to pay the rent you miss. *Forbearance* is that you didn't have to pay yet but will later. The programs described here are forbearance, and

you have to pay the back rent after July 1. If you owe back rent because of COVID-19 factors, tell your landlord about your situation to work out a mutually acceptable plan.

11. Where can I get more detail about some of these issues?

A. There are several useful resources in our state:

- a. Legal Aid and Resource Center (LARC) - 800-639-5290 (9 AM - 3 PM, M-F)
nhlegalaid.org/about/legal-advice-and-referral-center
- b. NH Legal Assistance on this and other COVID-19 concerns:
www.nhla.org/blog/NHLA-Community-Guidance-for-COVID-19-crisis-entry-76
- c. Housing Action NH for short- and long-term policy as well as resources:
housingactionnh.org/resources-in-response-to-covid-19/

12. Where can I ask for financial help if I need it?

Local aid programs that may be able to help:

- Community Action Agencies – click [here](#) or call 866-444-4211 to find yours
- The Front Door Agency , Nashua – click [here](#) or call 603-886-2866
- The Way Home, Manchester – click [here](#) or call 603-627-3491
- Local welfare offices - call 866-444-4211 to find yours
- New Hampshire Catholic Charities - call 603-624-4717
- For information on rental support for immigrants regardless of status - 603-682-1921
- To find information on avoiding mortgage foreclosure - call 866-444-4211
- For non-housing assistance, the following are coordinating emergency cash assistance and accepting external referrals from local agencies.
 - Granite United Way – click [here](#) to find your local office
 - Neighborworks Southern New Hampshire – click [here](#) or call 603-626-4663

Additional information:

- Detail on the [NH Housing Relief Program](#) ^{vii}
- For National Housing Law Project's list of national resources protecting renter and homeowner rights during the pandemic click [here](#) ^{viii}

13. I'd like to know more about my rights as a tenant in non-emergency times. Where can I learn?

- Legal Aid and Resource Center (LARC) - 800-639-5290 (9 AM - 3 PM, M-F)
nhlegalaid.org/about/legal-advice-and-referral-center
- A recorded webinar on general tenants' rights from April, 2020 at the link on this page, or on [facebook live](#).

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](#)

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

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

iii Per John Manning of Southwestern Community Services in 7/1/20 HANH call

iv <https://www.nhpr.org/post/faqs-covid-19-housing-assistance-information-nh-renters-and-landlords>

v <https://www.nhpr.org/post/faqs-covid-19-housing-assistance-information-nh-renters-and-landlords>

vi New Hampshire Emergency order #51

vii <https://housingactionnh.org/news/nh-housing-relief-program-information>

viii <https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>