



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)

*Last updated 11/18/20*

*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)).*

***Applications are being accepted from now through December 18, 2020 for NH Housing Relief fund (CARES Act rent and mortgage support). Apply NOW.***

***The Centers for Disease and Prevention (CDC) national moratorium on evictions for non-payment went into effect September 4 and is scheduled to run through 12/31/20.***

***Non-CDC federal moratoriums are confusing and are based, generally, on what forbearance landlords are receiving. See #1 below (“Can I be evicted for non-payment of rent?”).***

***Eviction protections in NH state of emergency expired June 30, 2020.***

## Frequently Asked Questions

1. [Can I be evicted if I can't pay my rent?](#)
2. [When will I have to pay my back rent?](#)
3. [Can my landlord change late fees and interest for rent I missed during the emergency?](#)
4. [Is there financial help available if I can't pay my rent or utilities for COVID-19 reasons?](#)
5. [Besides rent, what about other essential services such as water, heat, and electricity?](#)
6. **[Am I protected from eviction after the moratoriums ends if my landlord was trying to evict me before they began?](#)**
7. [My landlord is pressuring me to pay my rent using my credit card. Isn't this more responsible than taking the assistance money available?](#)

- 8. [Can NH homeowners lose their homes after state of emergency?](#)
- 9. [What is the difference between “forbearance” and “forgiveness”?](#)
- 10. [Where can I get more detail about some of these issues?](#)
- 11. [Where can I ask for financial help if I need it?](#)
- 12. [I’d like to know more about my rights as a tenant. Where can I learn?](#)

\*\*\*\*\*

**1. Can I be evicted if I can’t pay my rent?**

A. At the state level in New Hampshire, there was an eviction moratorium for the first few months of the state of emergency, but the landlord could demand payment as soon as the emergency ended on July 1, 2020. The only protection left from that time is that--if you are evicted for non-payment of rent due between March 17 and June 11—your landlord must give you a 30-day Eviction Notice rather than the standard 7 days. If you pay all of the past due rent before the eviction notice expires, plus \$15.00 you should be able to defeat the eviction.

➤ The federal level was and is a little more confusing, to do in part with different agencies having their own policies. The current situation is:

- The Centers for Disease Control and Prevention (CDC) national [moratorium on evictions](#) for non-payment went into effect September 4 and is scheduled to run through 12/31/20. This covers all tenants who complete, sign, and deliver to their landlord a declaration saying, in part, that they cannot afford their rent now, that they’ve tried to get rental assistance and could not get what they needed, and they fear that if they have to move they will have to live in close quarters with others or become homeless. You can submit this declaration after being served an eviction notice, but it is better to do so as soon as you know you are in this situation. You don’t need to have it notarized but do keep a copy and notes about when and how your landlord received it.

On 10/19/20 the CDC clarified [this order](#) as follows:

- Landlords can begin eviction proceedings before the end of the moratorium
- Landlords can challenge the truthfulness of tenants declarations
- Landlords are not required to tell their tenants about tenant rights under this moratorium

This moratorium does NOT protect tenants from eviction for criminal activity while on the premise, threatening the health or safety of other residents, damaging or threatening a risk of damage to the property, violation of building, health, or related codes/ordinances, or lease violations other than non-payment.

In addition to the CDC moratorium, there are some other relevant federal programs:

- If a landlord has a federally backed mortgage on *multifamily housing* (five units or more) they must give 30-days' notice of any eviction related to non-payment of rent that became due between March 26 and July 24.
- If a landlord has a federally-backed mortgage on a single-family property (1 – 4 units), they may not evict tenants from these properties for non-payment through 12/31/200.
- If a landlord has a federally-backed mortgage on certain housing for which they have forbearance, as long as they have that forbearance they cannot evict tenants for non-payment from this housing. Click [here](#) or [here](#) to see if your building is included or check with your landlord.

You can call Legal Advice and Referral Center (LARC, see resources below) to see if they can help you find out your landlord's situation and what options this gives you.

## **2. When will I have to pay my back rent?**

- A. For the two cases in which you can currently defer paying your rent (The CDC moratorium and if the landlord has forbearance on their federally-backed mortgage) your rent will be due in full no later than January 1, 2021.

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.

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

If you delayed payment through the CDC declaration, the landlord is permitted to add fees and interests to your rent when it is due.

If you live in a building financed by Fannie Mae, your landlord may not charge you late fees or penalties for rent due between March 27, 2020 and July 25, 2020.

## **4. Is there financial help available if I can't pay my rent or utilities for COVID-19 related reasons?**

UPDATE: NEW DEADLINE TO APPLY FOR THE CARES ACT FUNDS: DECEMBER 18TH

The federal [CARES Act](#) 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 income loss or increased expenses. 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 expenses 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.

You will not be asked about your immigration status in the application.

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 CAP caseworker if you find yourself in this situation.

The program will end December 30, 2020. Apply NOW to make sure you receive the help you need to keep your family safe and your community stable.

To find your local CAP to apply or learn more go to [www.capnh.org/](http://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.

If you have applied for the CARES Act funding through your local CAP and have not heard back in a week or so, contact GSOP at [adibacco@granitestateorganizing.org](mailto:adibacco@granitestateorganizing.org) to see if we can help you resolve the issue.

**5. 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 4) 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.

**6. Am I protected from eviction after the moratorium ends if my landlord was trying to evict me before they began?**

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

**7. 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.

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

- A. Homeowners with federally-backed mortgages are protected from foreclosure through December 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.

**9. 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.

## **10. Where can I get more detail about some of these issues?**

A. There are several useful resources in our state:

- a. Legal Advice 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](http://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/

## **11. 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](#)
- For National Housing Law Project’s list of national resources protecting renter and homeowner rights during the pandemic click [here](#)

## **12. I’d like to know more about my rights as a tenant. 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](http://nhlegalaid.org/about/legal-advice-and-referral-center)
- Consumer Finance Protection Bureau – Mortgage and Housing assistance during the coronavirus national emergency:  
<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/>
- Recorded GSOP, Manchester Housing Alliance, and NHLA webinars on general tenants' at [this page](#).
- For tenant organizing and advocacy, contact Granite State Organizing Project at 603-668-8250, [gsopstaff@granitestateorganizing.org](mailto:gsopstaff@granitestateorganizing.org), or [www.granitestateorganizing.org](http://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](#)