



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 February 26, 2021***

*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 state has announced the New Hampshire Emergency Rental Assistance Program (NHERAP) bringing \$200 million to New Hampshire to help low-income renters with their housing expenses. It will not cover mortgage payments. The program will become active on March 15.***

***TO RECEIVE AN EMAIL LETTING YOU KNOW WHEN THE APPLICATION PROCESS BEGINS, FILL OUT THE FORM AT <https://www.nhhfa.org/emergency-rental-assistance/>.***

***The NH Housing Relief Fund from the 2020 CARES Act has been closed. Applications received by the Community Action Programs by the Dec 18, 2020 deadline have all been processed.***

***The Centers for Disease and Prevention (CDC) national moratorium on evictions for non-payment went into effect September 4. The end date has been extended to March 31, 2021.***

***There are a few other moratoriums which are based, generally, on what forbearance landlords are receiving. See #1 below (“Can I be evicted for non-payment of rent?”).***

***State-based eviction protections in NH state of emergency expired June 30, 2020.***

***This fact sheet will be updated as more details become available.***

# Frequently Asked Questions

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

- A. The federal programs can be 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 3/31/21 (recently extended from 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 that 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.

If you have completed the declaration as instructed, your landlord:

- may begin eviction proceedings before the end of the moratorium
- may challenge the truthfulness of tenant's declarations
- are not required to tell their tenants their rights under this moratorium

They may not serve you a writ of possession and move you out. If they threaten to, contact LARC (see references below) or GSOP.

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.

This moratorium is forbearance, not forgiveness. You will still owe all your rent as of April 1, 2021. The landlord may also include late fees and interest.

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

- If a landlord has a Enterprise-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. This also applies to most rental properties in which tenants have federal rent subsidies.
- 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 June 30, 2021.
- 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. *See further details in "Can NH homeowners lose their homes ...."*

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.

- 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 moratorium 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 the past due rent before the eviction notice expires, plus \$15.00 you should be able to defeat the eviction.

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

- A. For the CDC moratorium your rent (and perhaps late fees and interest) will be due in full no later than April 1, 2021.

If a landlord has a federally-backed mortgage on certain housing for which they have forbearance, all your rent will become due when their forbearance ends.

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?**

In December 2020 Congress allocated \$200 million in *Emergency Rental Assistance (ERA)* to NH to help renters stay in their homes. This money will be distributed in NH through the NH Emergency Relief Assistance Program (NHERAP), which will start accepting applications at [www.CAPNH.ORG](http://www.CAPNH.ORG) by March 15, 2021.

Details are still being clarified, but we know:

- the funds can be used for rent and other housing costs (retroactive to April 1, 2020 and going forward)
- the assistance will NOT cover mortgages
- the intention of the program is to assist people impacted by COVID-19, directly or indirectly. Some income limits will apply, but the vast majority of tenants will qualify under them.
- Landlords will be able to complete the applications for the tenants, with the tenants permission
- Tenants will be able to receive the funds directly only if the refuses or won't respond to a written request to complete their portion of the application
- the state has until at least December 31, 2021 to distribute the funds

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The federal [CARES Act](#) funds distributed as the *New Hampshire Housing Relief Fund* (NHHRF) through the five NH Community Action Programs (CAPs) ended in December 2020 .

Because the details of the NHERAP are still being worked out and the NHHRF is expiring, there is a short term gap in COVID related rental assistance. If you need help NOW, contact your local CAP at [www.capnh.org](http://www.capnh.org) or call 211. Other funds are also available through local programs. Some of these are listed at the end of these questions.

**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 through your Community Assistance Program (see question 4) or other resources listed at the end of this page.

**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 for non-payment?**

- A. Homeowners with FHA-backed multifamily mortgages may request the start of a COVID-19 Forbearance of up to a year from their mortgage servicer through June 30, 2021. These forbearances may be extended twice for up to three months.

Interested homeowners should contact their mortgage servicer about forbearance and other options. More information is available at through [HUD.ORG](https://www.hud.gov)

Property owners who enter into this agreement must:

- a. Inform tenants in writing about tenant protections available during the forbearance and repayment period
- b. Agree not to evict tenants solely for non-payment while the property is in forbearance.

During the repayment period tenant protections include:

- a. Thirty-day eviction notices to vacate
- b. No late fees or penalties for nonpayment of rent
- c. Allowing flexible repayment plans over a period of time without lump sum

Additional information is available to homeowners and renters at [consumerfinance.gov/housing](https://www.consumerfinance.gov/housing).

## 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 the moratorium ends. 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?

- B. 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](https://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](https://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/](https://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
- LISTEN Community Services – click [here](#) or call 603-448-4553
- Local welfare offices - call 866-444-4211 to find yours
- New Hampshire Catholic Charities - call 603-624-4717
- Granite State Organizing Project has some funds to distribute. Contact us at 603-668-8250 for more information.
- 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

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### Additional information:

- Detail on the federal COVID-19 Relief bill backing the NHERAP:  
<https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>
- NH ERAP program: [NHHFA.ORG/emergency-rental-assistance](https://www.nhhfa.org/emergency-rental-assistance)
- HUD information on mortgage forbearance:  
[https://www.hud.gov/press/press\\_releases\\_media\\_advisories/HUD\\_No\\_21\\_023](https://www.hud.gov/press/press_releases_media_advisories/HUD_No_21_023)
- 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](https://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/housing): [consumerfinance.gov/housing](https://www.consumerfinance.gov/housing)
- <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](#)