



Legal Aid
Manasota

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EVICTIONS AND FORECLOSURES DURING COVID-19



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AGENDA

- Introduction
- General Information
- Eviction Moratoriums
- Eviction Procedure
- Foreclosure Moratoriums
- Foreclosure Procedure
- Final Thoughts



INTRODUCTION

Thank you to the Sarasota County Libraries for hosting the presentation this evening.

Panelists - Attorneys Ryan Chapman, Jaime Del Castillo and Pam Fields

Legal Aid of Manasota – Who are we and what do we do

- We are a law firm that provides free civil legal services to low-income clients in Sarasota and Manatee Counties.
- We have 3 offices: Bradenton, Sarasota & Venice
- We provide assistance in the following general areas:
 - Family law – divorce, paternity, domestic violence injunctions
 - Housing – landlord/tenant, foreclosure defense, mobile home disputes, public housing issues
 - Consumer – bankruptcy, wage garnishment, debt collections
 - Estate Planning – wills, living wills, health care surrogates, powers of attorney
 - Probate to Preserve Homestead
 - Guardianships
- We are able to do this with the assistance of our staff attorneys, our volunteer intake attorneys and private attorneys who are willing to take a pro bono (free) case.

At this time, the majority our of services are being held via phone and email. We hope to resume face to face meetings at our office as soon as we feel it is safe to do so.



GENERAL INFORMATION

- Today we are going to concentrate on evictions for non-payment of rent. You can also be evicted for not complying with your lease or staying over after the lease has expired.
- We strongly encourage you to call us right away if you are being threatened with eviction for any reason. We can assist with all types of evictions.
- YOUR RENT IS STILL DUE EVEN THOUGH THERE IS A MORATORIUM. IF YOU CAN PAY YOUR RENT, PLEASE DO SO.
- IF YOU CANNOT PAY YOUR RENT, IT IS VERY IMPORTANT THAT YOU REACH OUT TO YOUR LANDLORD TO LET THEM KNOW ABOUT YOUR SITUATION AND TO ALSO FIND RENTAL ASSISTANCE PROGRAMS. WE HAVE COMPILED A LIST OF RENTAL ASSISTANCE RESOURCES.

New Rental Assistance information for Sarasota County residents:

<https://www.scgov.net/government/health-and-human-services/covid-19-coronavirus/sarasota-county-cares-5898>

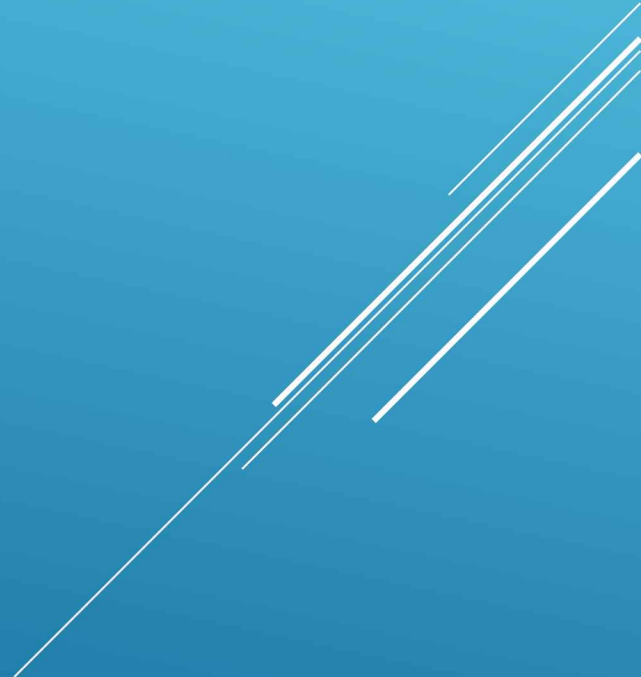


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EVICTION MORATORIUMS

What are the current eviction moratoriums and who do they cover?





- The Center for Disease Control and Prevention (CDC) enacted a nationwide residential eviction Order providing federal eviction relief to persons who submit a valid Declaration to their Landlord regarding their inability to pay rent.
- The CARES Act Moratorium and Florida's State moratorium have now expired and the CDC Moratorium is the only moratorium left.
- The CDC's eviction Order began on September 4, 2020 and expires on December 31, 2020, unless extended.
- The CDC eviction Order covers those evictions that are for non-payment of rent. It does not cover those evictions where the lease has been non-renewed or where there has been a violation of the lease.
- Link to Frequently Asked Questions:

<https://www.nhlp.org/wp-content/uploads/CDC-FAQ-for-Renters.pdf>

CDC Declaration

- In order to qualify for eviction relief under the CDC Moratorium, you must sign a Declaration and give it to your Landlord.
- Please read the statements on the Declaration carefully. When signing this Declaration you are declaring that the statements on the Declaration are true under penalty of perjury.
- You can give this signed Declaration to your Landlord at any time. You do not have to wait until the Landlord gives you a written notice of non-payment or files an eviction lawsuit.
- If you are served with an eviction lawsuit, please contact us immediately as you will only have 5 days to respond.
- If you do not qualify for our services or wish to draft your own response, there is a website that will walk you through the drafting of the response. [FloridaEvictionHelp.org](https://www.FloridaEvictionHelp.org)



CDC Declaration continued

- The CDC Declaration form can be found here:

<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>

- You must swear that the following statements are true:
 - I have used best efforts to obtain all available government assistance for rent or housing.
 - I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act.




CDC Declaration continued

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- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses.
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances permit, taking into account nondiscretionary expenses.
- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.

CDC Declaration continued

- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected;
 - I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to state and local laws.
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EVICITION PROCEDURES

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- In order to evict a tenant, the landlord **must** go through the eviction process and cannot use any other means to force someone to move such as turning off the water, changing the locks, etc.
- The first step is that the landlord must give you a proper 3-day notice to pay. If you do not pay the rent owed by the 3rd day, the landlord can then file a lawsuit to evict you.
- You must be served, either by the Sheriff or process server. If you cannot be personally served, the lawsuit pleadings including the Summons and Complaint can be posted in a conspicuous place such as on your door.
- Once you are served, you only have 5 days to respond to the lawsuit.
- If you do not file a response, you will be defaulted, and the landlord will be issued a final judgment and writ of possession.
- The Sheriff will post the writ of possession on your door giving you 24 hours to move.
- However, if you do file a legally sufficient response, you will be given an opportunity to appear in court.
- At the present time, eviction hearings are being held via Zoom or phone.
- What's happening locally with evictions falling under the CDC moratorium.

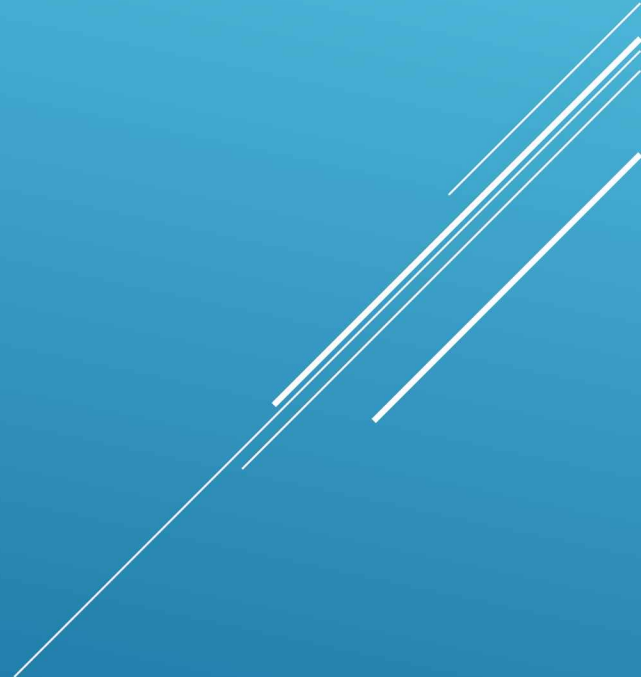


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FORECLOSURE MORATORIUMS

What are the different moratoriums and who do they cover?





FEDERAL FORECLOSURE MORATORIUM: THE CARES ACT

- The CARES Act foreclosure moratorium covered foreclosures on mortgages backed by the federal government such as FHA, Fannie Mae & Freddie Mac. Although the moratorium has expired, the agencies have extended the moratorium through December 31, 2020.
- This moratorium covers those borrowers who have experienced hardship due to Covid-19.
- If you are experiencing difficulties paying your mortgage due to Covid-19, you can ask your lender to forbear your loan for up to 180 days, and that forbearance period can be extended up to another 180 days.
- These mortgage payments are not forgiven. You still owe the money, however, the federally backed lenders have stated they will be willing to add these missed payments to the end of the loan.

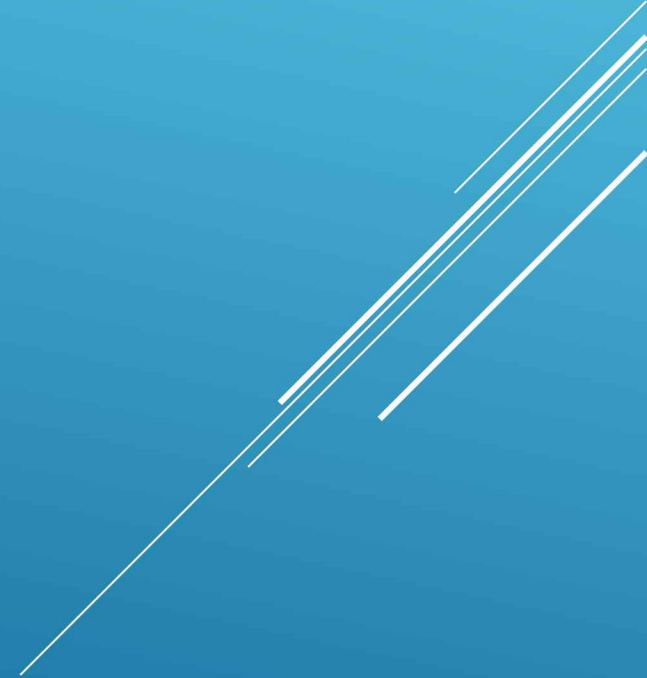


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STATE AND LOCAL FORECLOSURE MORATORIUMS

All State and Local foreclosure moratoriums have expired.





FORECLOSURE PROCEDURE

- A Florida foreclosure action starts with the filing of the Complaint.
- Once you are served, you will have 20 days to file an answer.
- Unlike an eviction action, this type of case will take quite a bit longer to go through the court system.
- Prior to the filing of the foreclosure and, even after the filing, you will need to be in contact with your lender to determine how you are going to handle the missed payments.



FINAL THOUGHTS ON EVICTIONS AND FORECLOSURES

- Payments due to the landlord or lender are not forgiven. They will have to be paid back somehow.
- Watch social media, TV, newspapers for information on rental and mortgage assistance.
- Contact us as soon as you know you will have an issue with an eviction or foreclosure.

FOR AN APPOINTMENT TO SPEAK TO AN ATTORNEY, PLEASE CALL
941-366-0038.

YOU MAY ALSO FILL OUT OUR ONLINE APPLICATION AT:

<http://legalaidofmanasota.org/GET-HELP/>

or click on this link:

https://docs.google.com/forms/d/e/1FAIpQLSf3kVaaL-8vIS3UyEAQZ8WDHeiin_fGkV5Tf3HzgkJRoNueoQ/viewform