



CFPB COVID-19 Housing Insecurity and Help for Renters



Presented on behalf of U.S. Department of Housing and Urban Development
Office of Housing Counseling

Audio is only available by conference call

Please call: 844-867-6169

Participant Access Code: 9224613

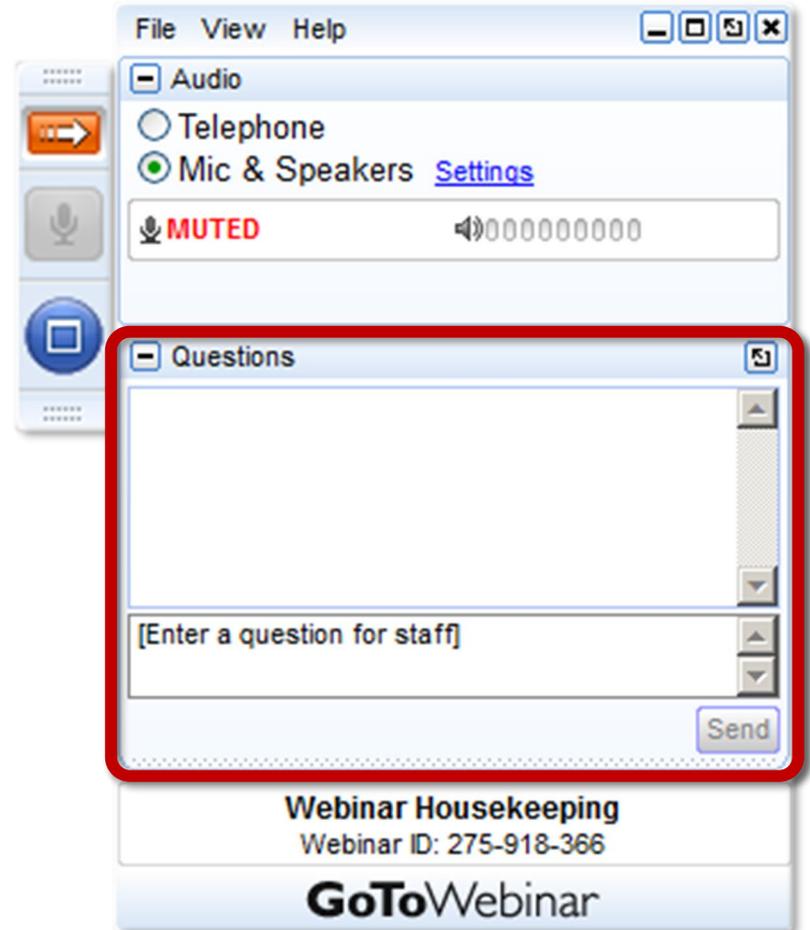
May 14, 2021

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Introduction

Jerrold H. Mayer

Director, Office of Outreach and Capacity Building

HUD Office of Housing Counseling (OHC)

Polling Question # 1



1

Who are you?

- Housing Counselor
- Legal Aid
- Other nonprofit working directly with consumers
- Policy advocate
- Other

Polling Question # 2



2

Who do you typically work with?

- Renters
- Homeowners
- Mix of renters and homeowners
- New to housing counseling
- I do not work with renters or homeowners

Polling Question # 3

What do you want to learn more about?

- Protections for renters
- The CFPB's new debt collection rule
- Resources to share with renters
- All of the above



Polling Question # 4



4

**How familiar are you
with COVID-19 pandemic
protections and resources
for renters?**

- Very familiar
- Somewhat familiar
- Unfamiliar

CFPB COVID-19 Housing Insecurity and Help for Renters

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Today's Trainers



Bev Yang
Renter Content Lead
Office of Consumer Education



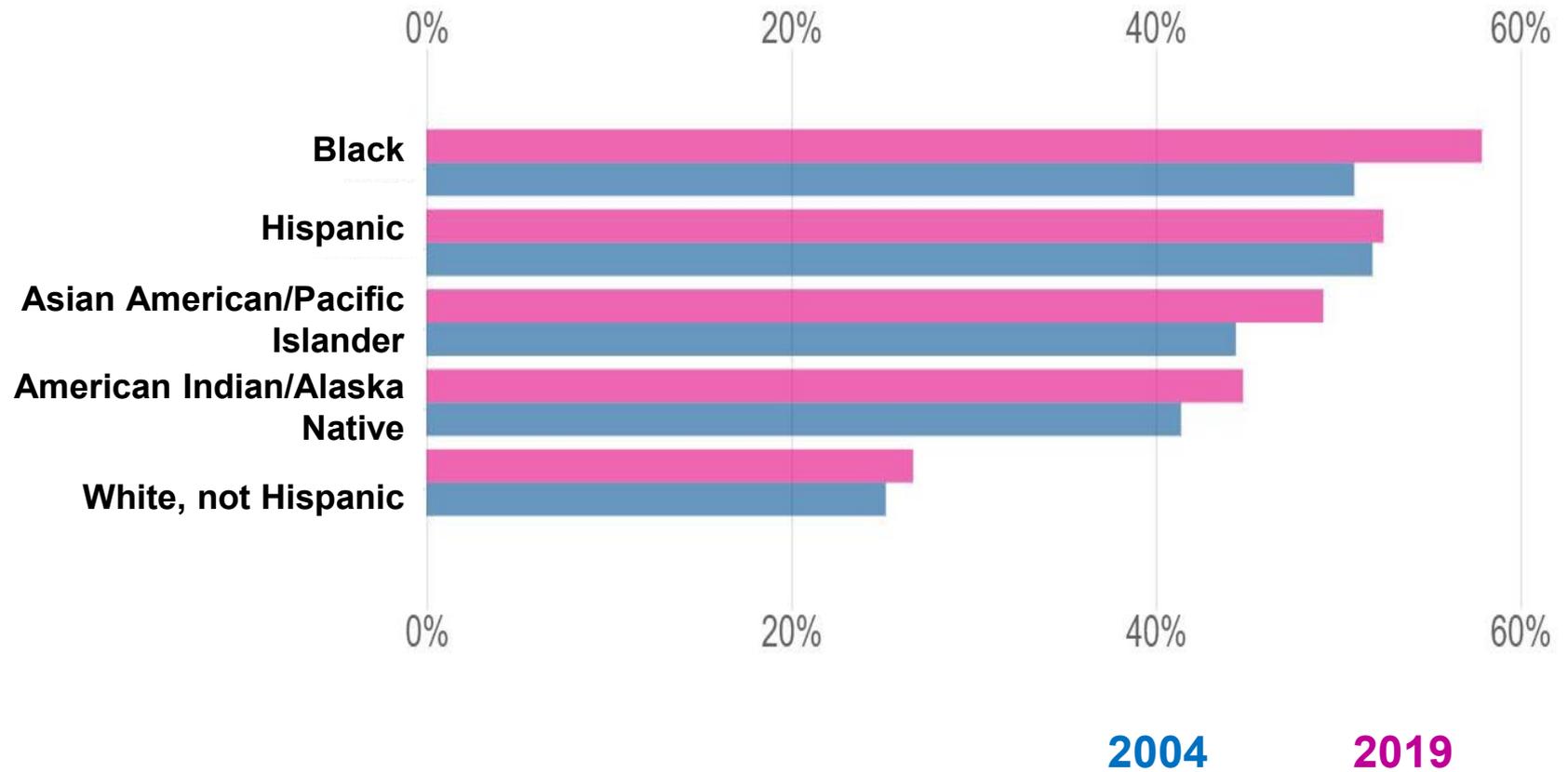
Michael Silver
Senior Counsel
Office of Regulations

Disclaimer

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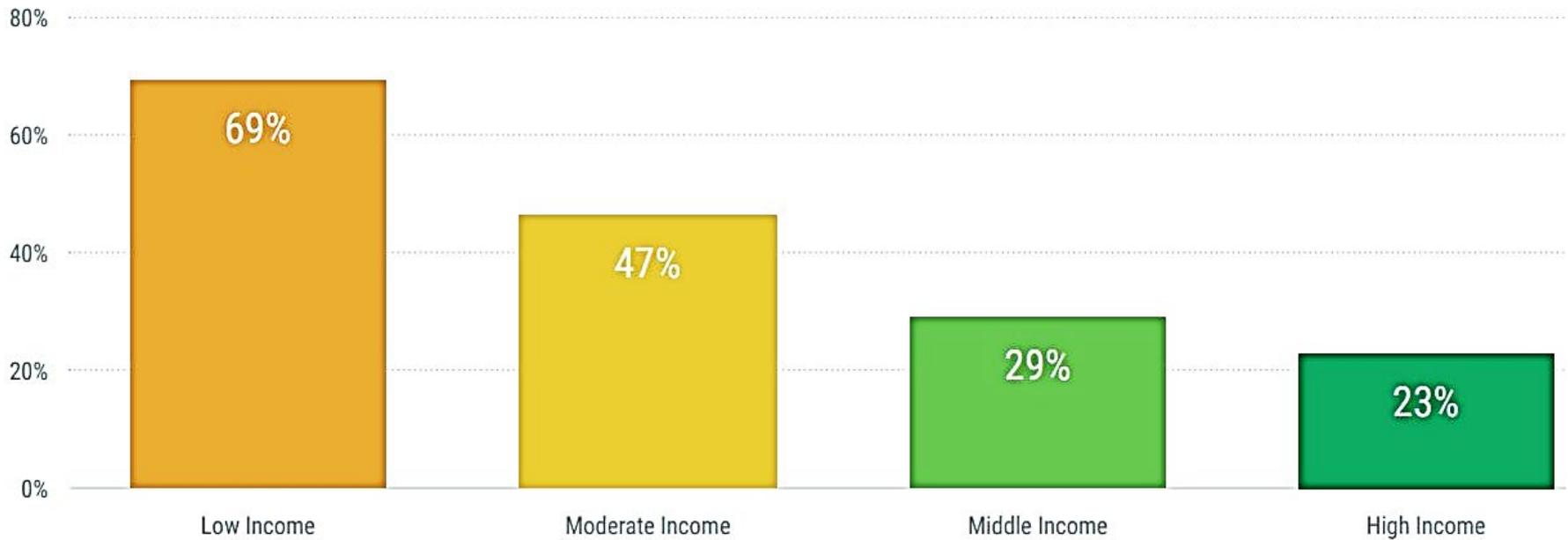
Impacts of the pandemic

Renters are increasingly people of color

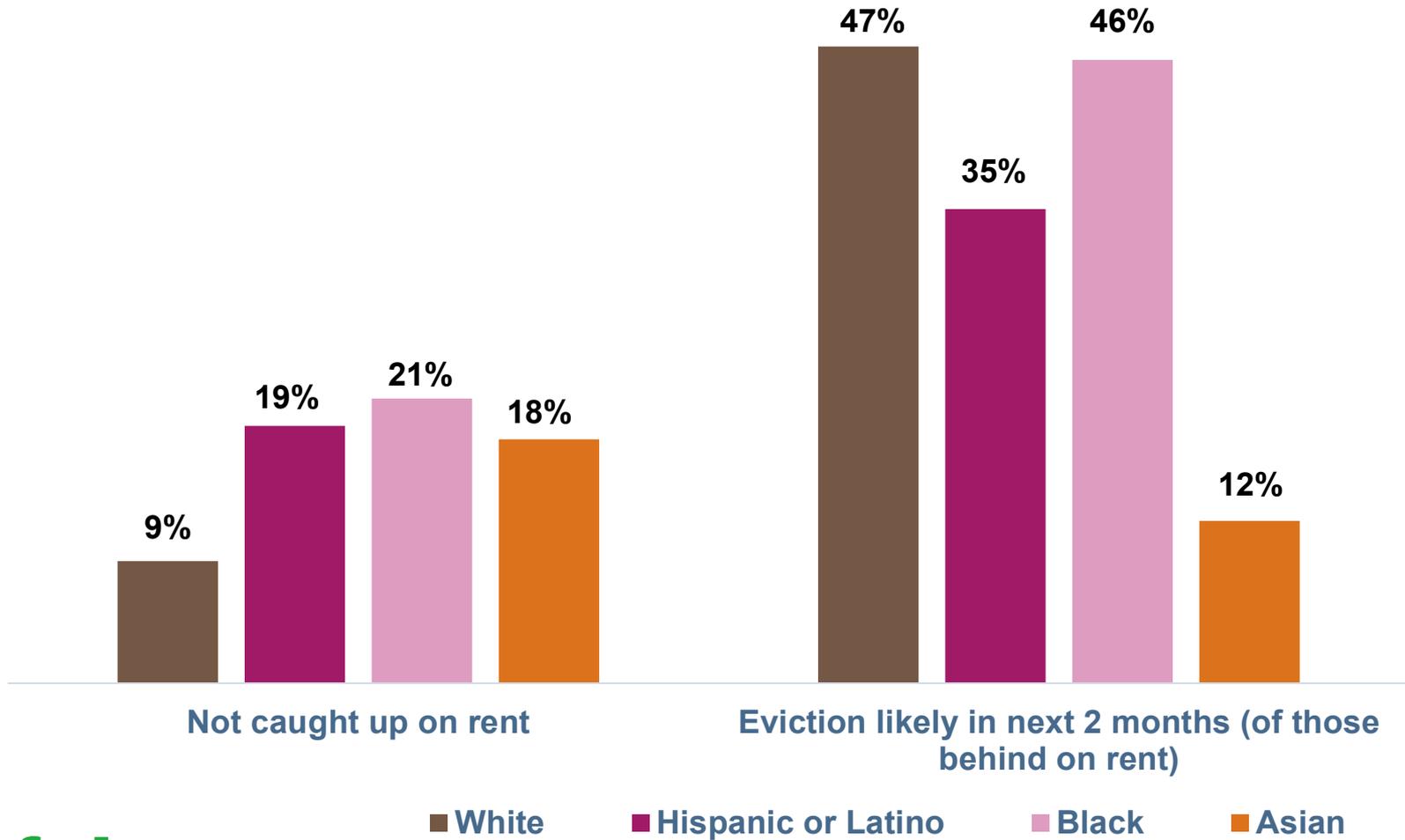


Low-income households are most likely to rent

Percentage of Households Renting Their Homes

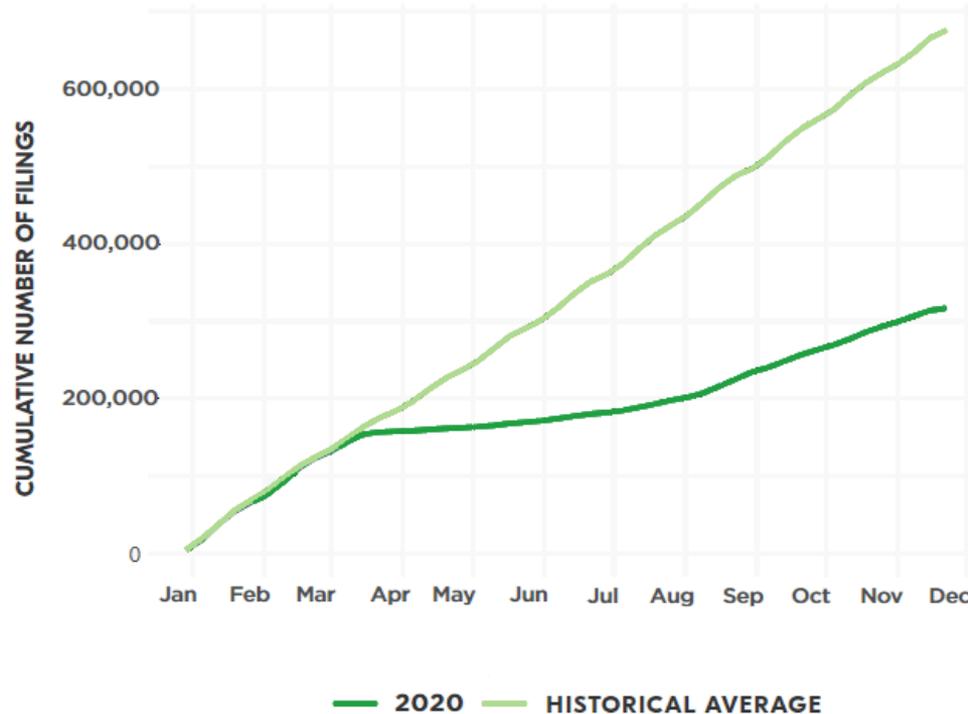


Housing insecurity among renters, by race



Eviction moratoriums have slowed the pace of evictions, yet thousands of renters continue to be evicted weekly

CUMULATIVE EVICTION FILINGS ACROSS SELECT CITIES AND STATES IN 2020 VS. HISTORICAL AVERAGE

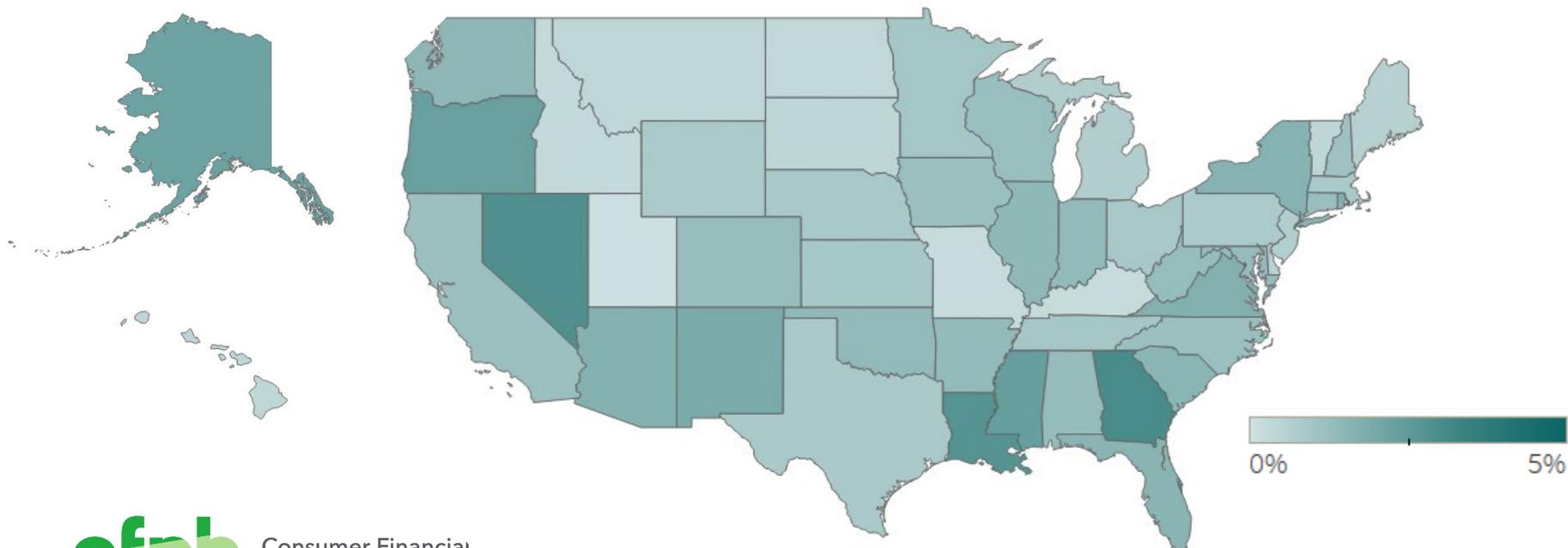


Source: Eviction Lab (Princeton University), Eviction Tracking System data

Differential Impact by State: Eviction Likelihood

The District of Columbia, Georgia, Nevada, Louisiana, and Mississippi had the highest percentage of adults who are living in households not current on rent and that report eviction is somewhat/very likely in the next two months.

% OF ADULTS WHO ARE LIVING IN HOUSEHOLDS NOT CURRENT ON RENT & REPORT EVICTION IS VERY/SOMEWHAT LIKELY IN THE NEXT TWO MONTHS



Consumers lack awareness of their options

- An **estimated 8.8 million tenant households** are behind on their rent.
- Protections exist for homeowners and renters who are struggling during the COVID-19 pandemic. However, not all protections are automatic – homeowners and renters **may need to take action**.
- Many are still unaware of their rights and how to find help. The CFPB and our interagency partners have plain-language resources.

We need your help to boost awareness.

COVID-19 Eviction Moratorium Interim Final Rule

May 2021

Disclaimers

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- *This document was used in support of a live discussion. As such, it does not necessarily express the entirety of that discussion nor the relative emphasis of topics therein.*
- *Pending Litigation: CDC Order, Bureau Interim Final Rule (IFR)*

Background: CDC Order

- On September 4, 2020, the Centers for Disease Control and Prevention published an agency order entitled “Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19.”
- *How do eviction moratoria help protect public health?*
 - Encourage self-isolation by people who become ill or who are at risk for severe illness.
 - Allow State and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19.
 - Limit the likelihood of individuals moving into close quarters in congregate or shared living settings, such as homeless shelters.
- On March 29, 2021, the CDC extended the eviction moratorium to **June 30, 2021.**

Background: CDC's Orders Eviction Protections

- The CDC Order generally prohibits a landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action from evicting for non-payment of rent any person protected by the CDC Order from any residential property in any jurisdiction in which the CDC Order applies.
 - This prohibition applies, “**without limitation**”, to **agents and attorneys** acting on behalf of a landlord or owner of the residential property.
- *Scope of the Eviction Moratorium*
 - Does not apply in any State, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public-health protection than the requirements listed in the CDC Order, or to the extent its application is prohibited by federal district court order.
 - Excludes evictions not based on the non-payment of rent.
 - Does not prevent the filing of an eviction action, but it does prohibit the physical removal of a covered tenant from the property.

Background: CDC's Orders Eviction Protections

- *What must a tenant do to receive protections under the CDC Order?*
 - To be covered by the eviction moratorium, a person must submit a written declaration under penalty of perjury attesting to certain eligibility criteria generally establishing that, because of the person's financial situation, the person is unable to make full rental payments and, if evicted, likely would become homeless or would be required to move into a congregate or shared living setting.

- *Bureau's Concerns about Consumer Harm*
 - GAO report analyzing the effectiveness of COVID-19 eviction moratoria found that some renters may not know about the CDC eviction moratorium or understand the steps they need to take to be covered.
 - Reports of evasions of the CDC Order, including by debt collectors.

Interim Final Rule

- On April 19, 2021, the Bureau published a rule to amend Regulation F, which implements the Fair Debt Collection Practices Act (FDCPA), to increase awareness of the CDC Order and to clarify that certain misrepresentations related to the CDC Order are prohibited.
- Among other things, the FDCPA prohibits debt collectors from engaging in deceptive, unfair, or abusive practices in debt collection.
- There are two interventions in the IFR. They apply to (1) to a debt collector collecting a debt in any jurisdiction in which the CDC Order applies, (2) during the effective period of the CDC Order, and (3) acting in connection with the collection of a debt.
 - *First*, § 1006.9(c)(1), requires debt collectors to provide written notice to certain consumers that they may be eligible for temporary protection from eviction under the CDC Order.
 - *Second*, § 1006.9(c)(2) clarifies that a debt collector may not falsely represent or imply to a consumer that the consumer is ineligible for temporary protection from eviction under the CDC Order.

Who is a “Debt Collector” under the FDCPA?

- Under FDCPA, a “debt collector” is generally defined as:
 - 1) Any person...in any business the **principal purpose** of which is the collection of any debts; or
 - 2) Any person...who **regularly collects or attempts to collect**, directly or indirectly, debts owed or due or asserted to be owed or due another.
 - *Note:* FDCPA section 803(6) includes some exceptions to this definition, including an exemption that typically would cover landlords or property managers.
- Attorneys who regularly engage in debt collection activity may be debt collectors under the FDCPA
 - In *Heintz v. Jenkins* (1995), the Supreme Court held that “attorneys who ‘regularly’ engage in consumer-debt-collection activity” are subject to the FDCPA, “even when that activity consists of litigation.”
- **But what about landlords and property owners? *See bullet above***

Section 1006.9(c)(1) – Notice Requirement

- Prohibits a debt collector from filing an eviction action for non-payment of rent against a consumer to whom the CDC Order reasonably might apply unless the debt collector discloses, clearly and conspicuously and in writing, on the date that the *eviction notice* is provided to the consumer or, if no eviction notice is required by applicable law, on the date that the *eviction action* is filed that the consumer may be eligible for temporary protection from eviction under the CDC Order.
- *Eviction notice* is a defined term: the earliest of any written notice that the laws of any State, locality, territory, or tribal area require to be provided to a consumer before an eviction action against the consumer may be filed.
 - Comment 9(b)(3)-1: The term eviction notice includes, for example, notices to quit, notices to pay rent or quit, and notices to terminate tenancy.

Section 1006.9(c)(1) – Notice Requirement

- *Reasonably Might Apply:* Although § 1006.9(c)(1) requires a debt collector to provide the disclosure only to a consumer to whom the CDC Order reasonably might apply, a debt collector is not prohibited from providing the disclosure to a consumer even if the consumer might not reasonably be eligible to be a covered person.
- *Clear and Conspicuous:* Clear and conspicuous means readily understandable. The location and type size also must be readily noticeable and legible to consumers, although no minimum type size is mandated.
- *Provision of Disclosure:* The disclosure must be provided on the date that the debt collector provides the consumer with an eviction notice or, if no eviction notice is required by law, on the date that the action is filed.
 - Comment 9(c)(1)-3 includes additional guidance about providing the disclosure.
- *Frequency of Disclosure:* Section 1006.9(c)(1) does not require the disclosure to be provided more than once. But it doesn't prohibit it either. A debt collector can provide the disclosure in each subsequent communication with the consumer.

Section 1006.9(c)(1) – Sample Language

- Comment 9(c)(1)-5 describes two sample language options that debt collectors *may* (but are not required to) use when complying with the disclosure requirement.
 - The first option provides sample language that a debt collector may use to disclose that the consumer may be eligible for eviction protection solely under the CDC Order: *“The sample language reads: “Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under Federal law. Learn the steps you should take now: visit www.cfpb.gov/eviction or call a housing counselor at 800-569-4287.”*
 - The second option provides alternative sample language that covers the CDC Order and other State or local moratoria: *“Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or tribal area, or under Federal law. Learn the steps you should take now: visit www.cfpb.gov/eviction or call a housing counselor at 800-569-4287.”*
- Use of this sample language provides a safe harbor with respect to § 1006.9(c)(1).

Section 1006.9(c)(2) – False or misleading statements about consumer ineligibility for protections under the CDC Order

- Clarifies that a debt collector may not falsely represent or imply to a consumer that the consumer is *ineligible* for temporary protection from eviction under the CDC Order.
- This clarification specifically identifies a false, deceptive, or misleading representation in connection with the collection of a debt and is therefore consistent with the existing prohibitions in FDCPA section 807.

What doesn't the Interim Final Rule Do?

- It *does not* prohibit eviction filings - as long as the disclosure is provided.
 - The CDC Order itself does not prohibit eviction filings.
- It does not require debt collectors to disclose any State, local, tribal, or territorial moratoria.
 - However, the IFR does provide sample language for debt collectors who wish to do so.
- The Bureau has not taken a position on whether rule violations are an eviction defense.
 - Violations of the IFR are violations of the FDCPA. Whether an FDCPA violation provides grounds for an eviction defense is a question of state or local landlord/tenant law.

Effective Date

- The effective date for the interim final rule is **May 3, 2021**.
- The interim final rule will be in effect for the duration of the CDC Order. In the event the CDC further extends the CDC Order, the Bureau expects that the requirements and prohibitions in the interim final rule will continue to apply until the expiration of any such extension.

Bureau Resources

The CFPB's housing portal helps consumers act

- The CFPB's interagency housing portal has resources to help consumers understand protections and actions they can take to get help.
- Includes information on behalf of CFPB, FHFA, HUD, USDA, and VA.
- Contains videos, plain language explanations, links to relevant resources, and action steps.

Help for homeowners and renters during the coronavirus national emergency

Find help for your situation

- 

Get mortgage help if you're struggling

We've got some information to help.

[Request forbearance or mortgage relief](#)
- 

Take action if you're in forbearance

Learn what to do whether you just entered forbearance, need more time or are ready to exit.

[Take action now](#)
- 

Get help if you're a renter

Take action to protect yourself against eviction.

[Learn what this means for you](#)

The Consumer Financial Protection Bureau (CFPB), Federal Housing Finance Agency (FHFA), U.S. Department of Housing and Urban Development (HUD), U.S. Department of Veterans Affairs (VA), and U.S. Department of Agriculture (USDA) are working together to help homeowners and renters during the coronavirus pandemic.



Housing Portal

Step-by-step instructions to help renters

- Avoid eviction
- Get help paying rent and utilities
- Make a plan to catch up on rent
- Know their tenant and debt collections rights
- Talk to a local expert

Help for renters

[Español](#) | [繁體中文](#) | [简体中文](#) | [Tiếng Việt](#) | [한국어](#) | [Tagalog](#) | [العربية](#)

If you're having trouble making rent payments as a result of the coronavirus pandemic, you're not alone.

Federal, state, and local governments are offering help with housing expenses and avoiding eviction. Find out what this means for you, and what you can do.

- [Take action to avoid eviction](#)
- [Get help paying rent and utilities](#)
- [Make a plan to catch up on rent](#)
- [Know your tenant and debt collection rights](#)
- [Talk to a local expert](#)

SHARE & PRINT



Take action to avoid eviction

You need to take action to protect yourself from eviction. These protections aren't automatic. Keep reading to find out how.



Sign the CDC Declaration and send it to your landlord

You may have the right to stay in your home. The Centers for Disease Control and Prevention (CDC) halted most evictions to prevent the spread of coronavirus. But, you must take action to use this right.

[See the steps to take and get started today](#)

Housing Portal: Resources for Renters

Explains how to get protection under the CDC moratorium – step by step.

Take action to avoid eviction using the CDC order

To help people stay in stable housing during the COVID-19 pandemic, the Centers for Disease Control and Prevention (CDC) issued an order that means you may be protected from eviction.

You may need to take action now to avoid eviction.

Watch how to avoid eviction

Take action now. In just a few minutes you can understand the steps you should take under the CDC order.



Housing Portal

Explains tenant rights

- Notice of the CDC order if a debt collector is trying to evict
- Freedom from harassment and false or misleading statements by a debt collector
- Common state or local rights
- Rights of domestic violence survivors
- Freedom from housing discrimination

Your tenant and debt collection rights

As a renter, you have local, state and federal rights during the pandemic. These may help you stay in your home.

Find out about eviction protections

To help people stay in stable housing during the COVID-19 pandemic, the Centers for Disease Control and Prevention (CDC) issued an order that means you may be protected from eviction. You need to take action now. If you already gave a signed Declaration to the person or company you rent from, you do not need to give them a new one.

[Follow the step-by-step guide for signing a CDC Declaration form](#)

Your rights under the federal Fair Debt Collection Practices Act (FDCPA)

When you owe money to your landlord or utility company and someone else is trying to collect the money, that person could be a debt collector. Maybe a lawyer or law firm is representing your landlord, or maybe a collection agency is trying to collect the back rent you owe. If so, the lawyer, law firm, or company may be a debt collector under federal law.

Federal law says that debt collectors can't use unfair or deceptive practices to try and collect a debt. This means if a debt collector harasses you, makes false or misleading statements about the CDC Order, or says misleading things in order to collect rent, they are breaking federal law.

Resources are available in seven languages (including English)

- Spanish, Traditional Chinese, Vietnamese, Korean, Tagalog, and Arabic language materials are available online.
- Resources include:
 - Housing portal pages
 - Other COVID-19 resources
- Spanish language videos are also available online:
 - *Aplazamientos de hipotecas en la Ley CARES*
 - *5 Pasos para que solicite un aplazamiento de hipoteca por causa del coronavirus*
 - *Tres pasos que inquilinos en problemas pueden tomar para retrasar el desalojo*

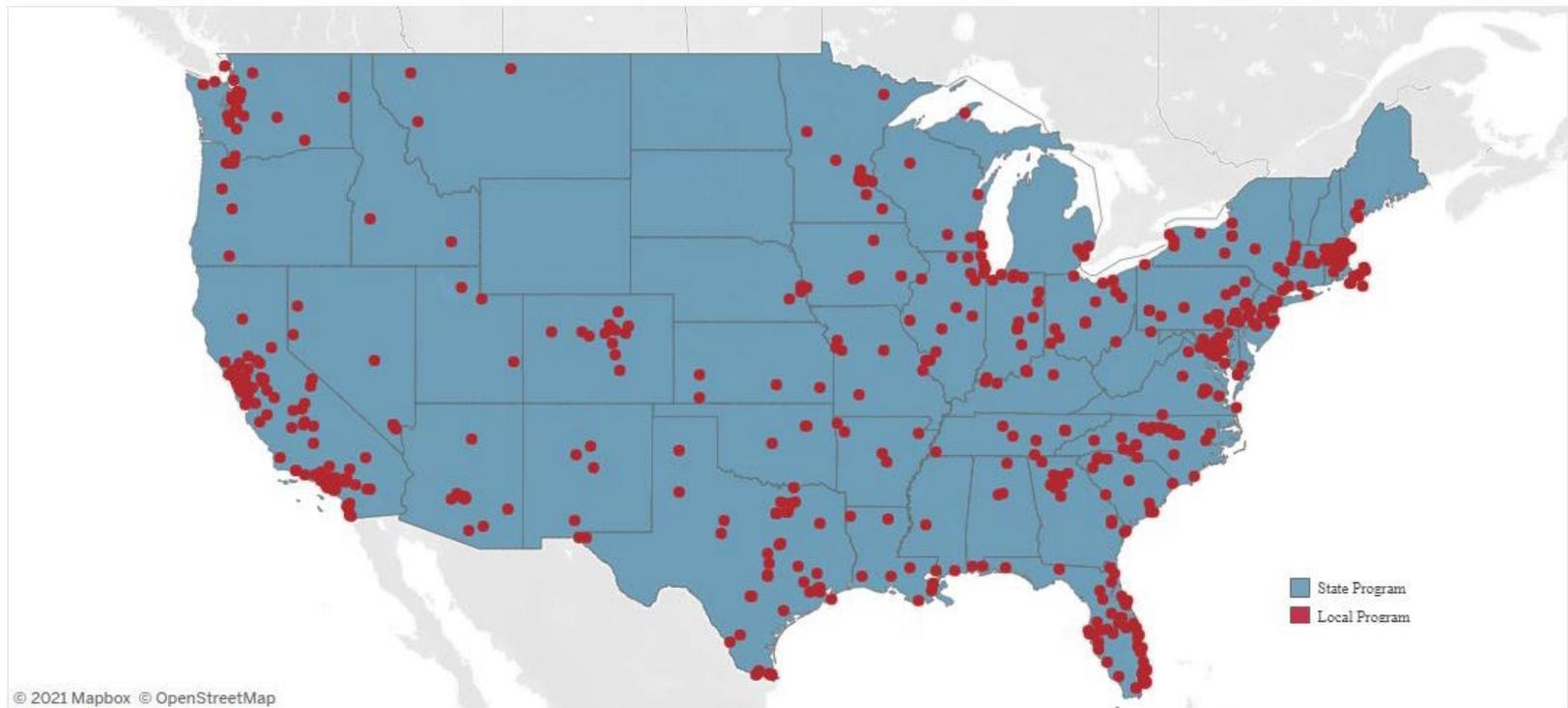
Federal emergency rental assistance

- \$45 billion in stimulus funding
- Money can be used to cover rent, utilities, and other housing costs incurred due to COVID-19
- Payments usually go directly to landlords and utility companies (renters may get payments in certain situations)
- Money may be available to help with moving costs

[Visit this rental assistance directory from the National Low Income Housing Coalition](#)

Federal emergency rental assistance: NLIHC database

COVID-19 Emergency Rental Assistance Programs



Some states and localities have more than one program. For a complete list of programs with more information, please consult the accompanying table or NLIHC's full COVID-19 Rental Assistance Database at <https://bit.ly/3hQUdce>. Last updated 5/10/21.

Help is available

- Talk to a lawyer

If your landlord is threatening to evict you, or you need help understanding your rights, talk to a lawyer. You may qualify for free legal aid.

[Contact your local bar association or legal aid office](#)

- Contact a housing counselor

Take advantage of free housing help. Get help from a HUD-certified housing counselor.

Call [800-569-4287](tel:800-569-4287) or [find a housing counselor](#)

Complaints

My landlord is violating my rights as a tenant

[Contact legal aid](#)

My landlord is violating the CDC Order

Legal aid and [Justice.gov/DisasterComplaintForm](#)

I have a debt collection complaint

[Consumerfinance.gov/complaint](#) or call [\(855\) 411-2372](#)

Sharing Our Resources

Use our digital toolkit

Our toolkit contains:

- Emails
- Social media messages
- Graphics
- Videos
- Printable flyers

Please share our plug-and-play messages in newsletters, blogs, email blasts, and social media

Social Media

- Are you having trouble paying rent due to the coronavirus pandemic? Learn what protections you qualify for and what other resources are available to help. <https://go.usa.gov/xHXQG> via @CFPB #ProtectYourHouse
- If you are struggling to pay your rent due to the coronavirus pandemic, you may have protections to help you avoid eviction. Learn more. <https://go.usa.gov/xHXQA> via @CFPB #ProtectYourHouse
- For the estimated 8.8 million households behind on their rent, help may be available. Learn more. <https://go.usa.gov/xHXQ6> via @CFPB #ProtectYourHouse

Videos

English: Watch how to avoid eviction
<https://www.youtube.com/watch?v=oODmNuXazgg&list=PLrfmdUIWzRF2T7FR7vIMpotRKhhQ7G7tM&index=23>

Español: Tres pasos que inquilinos en problemas pueden tomar para retrasar el desalajo

<https://youtu.be/CfMN7Z9yC94>

Digital toolkit: Flyer

COVID-19 and your money

Struggling with money problems because of the COVID-19 pandemic?

Get on track with facts and help from the CFPB:



Avoid eviction or foreclosure

Evite el desalojo o la ejecución hipotecaria



Deal with student loans

Maneje sus préstamos estudiantiles



Stay on top of bills

Manténgase al día con sus deudas



Care for your family's budget

Cuide su presupuesto familiar



Steer clear of scams

Evite las estafas



Know your rights

Conozca sus derechos

The Consumer Financial Protection Bureau is a U.S. government agency that makes sure banks, lenders, and other financial companies treat you fairly. **We're on your side.**

consumerfinance.gov/covid-relief

中文 • Tiếng Việt • 한국어 • Tagalog



El COVID-19 y su dinero

¿Tiene problemas de dinero por culpa de la pandemia del COVID-19?

Encuentre los datos y la asistencia que necesita del CFPB:

La Oficina para la Protección Financiera del Consumidor (CFPB, siglas en inglés), es una agencia gubernamental que se asegura de que bancos, prestamistas y otras compañías financieras le traten justamente. **Estamos aquí para usted.**

consumerfinance.gov/covid-alivio



Questions?

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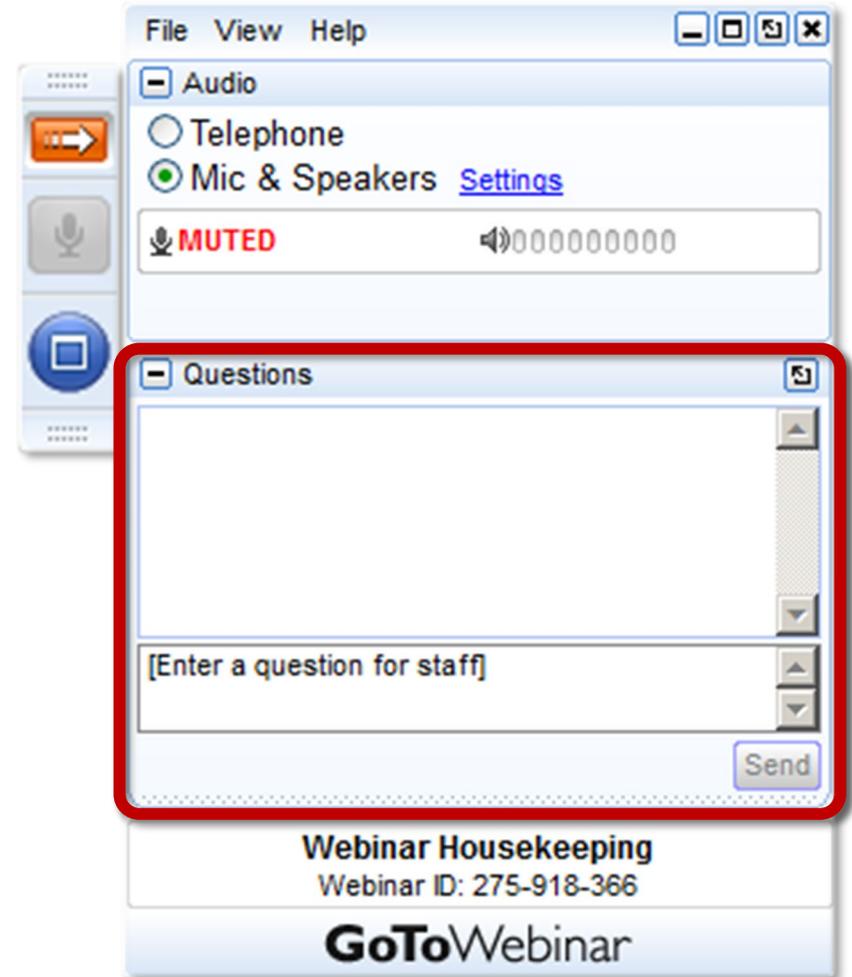
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- Any other comments?



Office of Housing Counseling



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www.hudexchange.info/counseling

Counselor Training and Testing website:

www.hudhousingcounselors.com

Email us at:

housing.counseling@hud.gov

The Bridge:

<https://www.hudexchange.info/programs/housing-counseling/the-bridge/>



Thank You for
Attending!

