

Via electronic submission

July 21, 2020

Dr. Mark Calabria, Director
Federal Housing Finance Agency

Jeffery Hayward, Executive Vice President and Head of Multifamily
Fannie Mae Multifamily Division

Debby Jenkins, Executive Vice President, Head of Multifamily Business
Freddie Mac Multifamily

Dear Director Calabria, Mr. Hayward and Ms. Jenkins:

The 60 undersigned organizations write to ask the Federal Housing Finance Agency (FHFA), Fannie Mae and Freddie Mac to take steps to ensure that all tenants (including residents of manufactured housing communities) living in properties with GSE-backed multifamily mortgages are aware of the protections available to them under recent FHFA and GSE guidance regarding forbearances for multifamily mortgage borrowers.

As you know, the 120-day moratorium on evictions in section 4024 of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Act expires on July 25, 2020. Most state and local eviction protections have also expired or are due to expire at the end of July. Yet the pandemic is far from over, and many American families are continuing to struggle to pay their rent because of the far-reaching health and economic effects of this crisis. Tenants are still in need of protections against eviction to safeguard their homes, which remain the first line of defense against COVID-19.

We believe that an extension and expansion of the CARES Act eviction moratorium that covers all rental housing for the duration of the emergency would be a crucial step to help avert the fast-approaching eviction crisis the country is facing. In the absence of such broader measures, however, and to the extent that only some tenants remain protected, it is even more critical that tenants are made aware of any continuing protections against eviction that apply to them so that they can rely on and enforce them if a covered landlord acts in contravention of applicable restrictions.

We welcome the FHFA's June 29, 2020, announcement regarding continuing protections for tenants in multifamily properties where the owner has received a forbearance. However, we believe that the guidance and information provided by the FHFA and the GSEs does not adequately ensure that affected tenants will learn of and be able to benefit from those protections.

First, as discussed in our May 1, 2020, letter to the FHFA and other federal agencies, tenants generally are not privy to whether their landlord has a GSE-backed mortgage. The Fannie Mae and Freddie Mac multifamily lookup tools have helped many tenants obtain this information, but in a number of instances the information in those databases appears to be incomplete, outdated and/or inaccurate.

Second, even if a tenant is able to confirm that the landlord's mortgage is backed by Fannie Mae or Freddie Mac, there is no way for the tenant to know whether or not their landlord has received a forbearance on the mortgage, how long the forbearance lasts, or whether the forbearance has been extended. As far as we can determine, the resources for renters on the GSEs' websites make no mention of the protections relating to multifamily mortgage forbearances or of how to determine if a particular landlord has a forbearance. There is also nothing about these topics elsewhere on the FHFA, Fannie Mae or Freddie Mac websites other than the densely written guidance directed to lenders.

Tenants must be able to determine whether their homes qualify for this relief so that they can plan accordingly and protect themselves when necessary. We therefore urge you to:

- Direct the GSEs to update their resources for renters to include information about forbearance-related protections;
- Require that multifamily borrowers who have received forbearances notify their tenants in writing that they are covered by the protections FHFA requires and of when those protections expire as a condition of forbearance;
- Maintain and make publicly available a real-time database that is easily accessible (including for LEP tenants and tenants with disabilities) and searchable by tenants, allowing them to determine whether the owner of their property has received a forbearance and when that forbearance expires; and
- Take steps to monitor the efficacy of and, if necessary, enforce the forbearance-related tenant protection requirements.

Thank you for your consideration of this important issue. Please contact Linda Jun at linda@ourfinancialsecurity.org or Lisa Sitkin at lsitkin@nhlp.org with any further questions on this matter.

Sincerely,

Americans for Financial Reform Education Fund
African American Health Alliance
American Civil Liberties Union
California Reinvestment Coalition
Center for Community Progress

Center for Community Progress
Center for Disability Rights
Center for Responsible Lending
Community Legal Services of Philadelphia
Connecticut Fair Housing Center
Consumer Action
DeSales Community Development
Disability Rights Florida
Greater Boston Legal Services
Greater Napa Valley Fair Housing Center
Grounded Solutions Network
Habitat for Humanity of Lincoln
Housing Choice Partners
Housing Justice Center
Human Rights Campaign
Inner City Law Center
Ironbound Community Corporation
Lantern Community Services
Louisiana Fair Housing Action Center
Metropolitan St. Louis Equal Housing and Opportunity Council
MH Action
Michigan Mobile Home Residents For Affordable Housing
NAACP
National Alliance of Community Economic Development Associations
National Association for County Community and Economic Development
National Association for Latino Community Asset Builders
National CAPACD
National Community Reinvestment Coalition (NCRC)
National Fair Housing Alliance
National Housing Law Project
National Housing Resource Center
National NeighborWorks Association
National Women's Law Center
Nebraska Appleseed
Nebraska Housing Developers Association
New Haven Legal Assistance Association
New Jersey Appleseed Public Interest Law Center
New Jersey Citizen Action
NHS Brooklyn, CDC Inc.
North Carolina Justice Center
Old North St. Louis Restoration Group

PolicyLink
Private Equity Stakeholder Project
Public Counsel
Public Justice Center
Public Law Center
RESULTS
Shriver Center on Poverty Law
Spark
The Equal Rights Center
The Public Interest Law Project
UnidosUS
Vermont Legal Aid, Inc.
Washington University Civil Rights & Mediation Clinic
Woodstock Institute