

Foreclosure Prevention During the COVID-19 Emergency (Updated November 18, 2021)

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I'm struggling to pay my mortgage. What options do I have?

If you can still pay your mortgage, then you should continue to pay it. If you cannot afford to pay your mortgage, you may have options.

If you're experiencing a financial hardship directly or indirectly due to the COVID-19 pandemic, you may be eligible for a forbearance. A forbearance is when your current monthly payments are temporarily reduced or suspended. You are still obligated to repay any missed payments, but in many cases, those payments may be repaid over time or when you refinance or sell your home.

The DC government will be receiving new federal funds to help homeowners (the Homeowner Assistance Fund), but we do not yet know the timing or eligibility details for those funds.

You can talk to a housing counselor about your options by calling DC's Foreclosure Prevention Hotline at (202) 265-2255.

How do I request a forbearance?

Contact your mortgage servicer (the company that sends you monthly statements) as soon as possible to ask that it reduce or suspend your payments. In your request, you need to explain that you are experiencing a financial hardship directly or indirectly due to the pandemic.

Borrowers with "federally-backed" mortgages have certain additional rights and protections. Whether your mortgage is "federally-backed" may also impact the terms of any forbearance you receive.

What is a federally-backed mortgage, and how do I know if I have one?

A "federally-backed" mortgage means a mortgage that is owned or insured by the Federal Housing Administration (FHA), the U.S. Department of

Agriculture (USDA), the U.S. Department of Veterans Affairs (VA), Fannie Mae, or Freddie Mac. Instructions for determining if you have a federally-backed mortgage can be found [here](#).

My mortgage is federally-backed. So what?

You have certain rights and protections under federal law. For example, after you make your request for a forbearance, your servicer should not require you to provide any supporting documentation. And even if you were behind on your mortgage before the COVID-19 emergency, you may still be eligible for a forbearance.

The terms of the forbearance depend on the type of federally-backed loan you have. More information can be found [here](#).

What happens after my forbearance is over?

This may depend on what kind of loan you have. In general, your mortgage company might require you to:

- Make up all of the deferred payments at the end of the forbearance period, or at some other specified time (for example three years after the end of the forbearance period);
- Make higher monthly payments until the deferred payments are repaid;
- Add the deferred payments to the end of your mortgage, to be repaid in a lump sum when you sell or refinance or when your mortgage reaches the end of its term; and/or
- Apply for a loan modification, in which the deferred payments would be added to your total mortgage balance and the terms of your mortgage (such as the interest rate and/or length of the mortgage) may be changed to create new, modified monthly payments.

Before you get a forbearance, you should ask your servicer what you will have to do at the end of the forbearance period. If you have concerns about

what terms your mortgage company is requiring for repayment, contact a lawyer or housing counselor.

I'm worried about being foreclosed on. Can that happen during the COVID-19 emergency?

A temporary D.C. law prohibits mortgage and condo fee foreclosure sales of owner-occupied and heir-occupied homes during the District's public health emergency and for a limited time thereafter. The law also stops new mortgage foreclosure cases from being filed. Unless the law or the health emergency is changed, the prohibition will end on **February 4, 2022**.

In addition, if you have a pending mortgage foreclosure case for your owner-occupied or heir-occupied home, the court generally is not ruling on lender motions for judgment during this protected timeframe.

Also, most servicers cannot start the foreclosure process until your loan is more than 120 days past due.

I have a pending foreclosure case in D.C. Superior Court. Do I need to go to court?

Some foreclosure case hearings are being scheduled to go forward remotely (by phone or video). If the court decides to hold a remote hearing in your case, it will provide you with instructions on how to join the hearing. If you have a pending foreclosure case and are unsure whether you have an upcoming remote hearing or other court event, you can check the status of your case [online](#) or by calling the Civil Division Clerk's Office (202-879-1133).

If I need to file something in my foreclosure case, how do I do it?

The Civil Division Clerk's Office is working remotely and has posted [instructions](#) about how to file documents, including requests for fee waivers.

I already lost my home due to foreclosure before the COVID-19 emergency. Can I be evicted?

To evict you from your home, the new owner of the property must file an eviction action against you. You cannot be immediately evicted just because a foreclosure auction sale has happened. If you are being evicted as a foreclosed homeowner, you should talk with a lawyer.

I am behind on my condominium dues. What should I do?

If you can afford to pay your monthly condominium dues plus a little more each month, contact your condominium association to try to work out a repayment plan.

If you cannot reach an agreement with your condominium association, you may want to tell your mortgage servicer about the status of your late condominium dues. It is possible your mortgage servicer will pay past dues and add the amount to your mortgage balance. You would then owe the money to your mortgage company rather than your condo association. It is a good idea to talk to a lawyer before asking your mortgage company to pay off your condominium dues on your behalf.

If you are behind on your condominium dues, it is especially important to keep a close eye on your mail in case your condominium association mails you a Notice of Foreclosure. An auction sale can usually happen as soon as 31 days after such a notice. However, a temporary D.C. law prohibits condo fee foreclosure sales of owner-occupied and heir-occupied homes during the District's public health emergency and for a limited time

thereafter. Unless the law or health emergency is changed or extended, the prohibition will end on **February 4, 2022**. If your condo association tries to foreclose on your home before February 4, 2022, you should contact a lawyer right away.

The DC government is receiving federal funds to help homeowners. The program is called the Homeowner Assistance Fund. DC's full Homeowner Assistance Fund is not open yet, but a *pilot program* is open to condo owners in four zip codes -- 20019, 20020, 20024, and 20032 -- who meet certain eligibility criteria. To qualify for the pilot program, you must have purchased your home using closing cost or down payment assistance from the Department of Housing and Community Development, for example, through an HPAP loan. Click [here](#) to learn more about the Homeowner Assistance Fund Pilot Program.

I am behind on my property taxes. What should I do?

If you live in your home, contact the D.C. Office of Tax and Revenue (OTR) to make sure your property taxes are as low as possible going forward. You may be eligible to receive a property tax reduction through the Homestead or the Senior Citizen or Disabled Property Owner Tax [Deduction](#).

If you are responsible for paying your property taxes directly (either because you don't have a mortgage or your mortgage servicer doesn't pay them through an escrow account), and you are behind on your taxes, you should contact OTR to try to work out a repayment plan. In general, if you remain behind on your property taxes, your home may eventually be auctioned at a tax foreclosure. However, the District is not auctioning occupied residential properties in 2021 due to the pandemic.

The DC government will be receiving federal funds to help homeowners through a program called the Homeowner Assistance Fund. The Homeowner Assistance Fund will be able to cover property tax arrears for eligible homeowners. The full Homeowner Assistance Fund is not open yet, but if you are a condominium owner living in one of the following zip codes

-- 20019, 20020, 20024, or 20032 – and you received closing cost or down payment assistance from the Department of Housing and Community Development, you *might* be eligible for the Homeowner Assistance Fund Pilot Program, which can help pay property taxes. Additional eligibility criteria apply. Click [here](#) to learn more about the Homeowner Assistance Fund Pilot Program.

Is there any payment assistance available to help with my mortgage and other housing expenses?

Once DC's Homeowner Assistance Fund is fully open, federal funds will be available to help eligible homeowners who were impacted by the pandemic pay mortgage and other housing expenses. We do not yet know when the program will open or what the eligibility criteria will be.

Although the full Homeowner Assistance Fund is not open yet, if you are a condominium owner living in one of the following zip codes -- 20019, 20020, 20024, or 20032 – and you received closing cost or down payment assistance from the Department of Housing and Community Development, you *might* be eligible for the Homeowner Assistance Fund Pilot Program, which can help with mortgage payments. Additional eligibility criteria apply. Click [here](#) to learn more about the Homeowner Assistance Fund Pilot Program.

If you would like legal advice about your situation, you can contact Legal Aid. Our Northwest and Southeast offices are closed to the public, but we are open for telephone and online intake. You can apply for our services by calling (202) 628-1161 or [online](#).