

Frequently Asked Lease/Rent Questions for Floridians Facing Economic Hardship Because of COVID 19

As a result of the COVID-19 pandemic millions of Floridians are now facing financial and housing uncertainty. The Attorney General has put together this list of resources available to assist Floridians in these difficult times. Nothing contained herein should be construed as legal advice or establishing a lawyer-client relationship. The information below is intended to provide general summary information for use by Floridians. Please consult with a lawyer if you have legal questions about your specific situation. An attorney can provide the legal advice which our office is not at liberty to provide to private individuals. If you need help finding an attorney, or low-cost legal aid, The Florida Bar offers a Lawyer Referral Service toll-free at (800) 342-8011 or online at www.floridabar.org. Legal assistance in your area in connection with evictions and landlord/Tenant issues can also be found [here](#). We will periodically update these frequently asked questions to provide Floridians with as much information as we can.

Where can I find out about rental assistance and other assistance in my area?

The financial disruptions caused by the Covid-19 pandemic prompted the U.S. Congress to appropriate several emergency funding measures intended in part to prevent residential displacements and assist eligible renters with rental assistance, including the CARES Act, and the Federal Emergency Rental Assistance Program of the American Rescue Plan Act. The March 27, 2020 CARES Act provides renters with certain protections from evictions for nonpayment of rent. As of March 11, 2021 the **Federal Emergency Rental Assistance Program** provides eligible households with funds for rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing incurred due, directly or indirectly, to the Covid-19 outbreak. Landlords may apply on behalf of eligible tenants. Different programs are administered by different agencies. Useful information from different agencies designed to connect persons in need with available resources in their communities has been consolidated and can be accessed by dialing 211 or located online [here](#).

Are there still any Florida eviction moratoria?

No. The Covid-19 pandemic-related eviction moratoria in Florida expired. Under normal circumstances residential tenants have rights of possession to their rental properties pursuant to the terms of a lease or rental agreement with their landlords. The lease amount or “rent” is an essential component of all residential lease agreements. If the tenant defaults on the obligation to pay rent the landlord then has the right to bring an eviction action and request that the court terminate the lease agreement, evict the tenant(s) and restore possession of the property to the landlord. Pursuant to Florida law eviction proceedings based on nonpayment of rent are expedited and move quickly. Tenants can lose their right to possession if the landlord demonstrates to the court that there has been a lease default based on non-payment of rent. As a result of the COVID-19 Pandemic the Florida Supreme Court and the Florida Governor issued several orders creating eviction moratoria that were intended to prevent residential displacements and keep tenants in their leased residences. Although tenants were temporarily provided protection from eviction with these measures, their rent obligations continued to accrue. Tenants

remain obligated for unpaid past rent that accrued while they were in possession of the leased premises. If you are a party to a residential lease agreement dealing with a possible default you should promptly seek legal advice from a qualified legal professional to explore all your legal options.

Are there any Federal eviction moratoria in effect?

No. On August 3, 2021 the Centers for Disease Control and Prevention (CDC) issued an [Order](#) which in part provided qualified tenants with temporary protection from eviction for 60 days through October 3, 2021; however, before the expiration of the 60 days on August 26, 2021 the Supreme Court of the United States held that the CDC acted beyond the scope of its legal authority in issuing the last eviction moratorium order. Although other eviction protection measures might be enacted at the local, state or federal level in the future, no further eviction moratoria remain in effect currently.

Are tenants provided any protections by the Federal CARES Act?

Yes. On March 27, 2020 the U.S. Congress passed into law the Coronavirus Aid, Relief, and Economic Security Act or CARES Act. For tenants the Act provided a 120-day moratorium on tenant evictions for nonpayment of rent from residential properties secured by certain federally backed mortgages, as well as a prohibition against the assessment of late fees during that period. The Act allowed mortgagors of certain federally backed mortgages the option to seek a 180-day mortgage forbearance suspending mortgage payments and an additional 180-day forbearance extension beyond that; however, eligible mortgagors who avail themselves of CARES Act forbearances and who are also landlords are prohibited from pursuing residential evictions during the forbearance term. The deadline to apply for an initial CARES Act forbearance or extension is currently set for September 30, 2021.

Is there financial assistance to prevent eviction following foreclosure?

Mortgage foreclosure court proceedings may be followed by eviction court proceedings which seek to restore physical possession of the mortgaged property to the Plaintiff/Mortgagee. Homeowners at risk of eviction following a foreclosure proceeding may be eligible for financial assistance pursuant to the Homeowners Assistance Fund. Title III of American Rescue Plan Act of 2021 appropriates federal funds for the Homeowner Assistance Fund intended to mitigate financial hardships associated with the Covid-19 pandemic such as preventing homeowner delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020. The Homeowner Assistance Fund provides financial assistance to eligible homeowners for:

- (A) mortgage payment **assistance**;
- (B) financial **assistance** to allow a **homeowner** to reinstate a mortgage or to pay other housing related costs related to a period of forbearance, delinquency, or default;
- (C) principal reduction;
- (D) facilitating interest rate reductions;

(E) payment **assistance** for--

(i) utilities, including electric, gas, home energy, and water;

(ii) internet service, including broadband internet access service, as defined in [section 8.1\(b\) of title 47, Code of Federal Regulations](#) (or any successor regulation);

(iii) **homeowner's** insurance, flood insurance, and mortgage insurance; and

(iv) **homeowner's** association, condominium association fees, or common charges;

(F) reimbursement of **funds** expended by a State, local government, or designated entity under subsection (f) during the period beginning on January 21, 2020, and ending on the date that the first **funds** are disbursed by the eligible entity under the **Homeowner Assistance Fund**, for the purpose of providing housing or utility payment **assistance** to **homeowners** or otherwise providing **funds** to prevent foreclosure or post-foreclosure eviction of a **homeowner** or prevent mortgage delinquency or loss of housing or utilities as a response to the coronavirus disease (COVID) pandemic; and

(G) any other **assistance** to promote housing stability for **homeowners**, including preventing mortgage delinquency, default, foreclosure, post-foreclosure eviction of a **homeowner**, or the loss of utility or home energy services, as determined by the Secretary.

Florida's share of the Federal Homeowners Assistance Fund is administered by the Florida Department of Economic Opportunity. More information about the Homeowner Assistance Fund may be reviewed [here](#).

Other Resources:

Veterans Administration Mortgage forbearance extension requirements:

https://benefits.va.gov/HOMELOANS/documents/circulars/26_21_04.pdf

US Department of Housing and Urban Development Certified Housing Counselors:

https://www.hud.gov/program_offices/housing/sfh/hcc

Fannie Mae Lookup Tool:

<https://www.knowyouroptions.com/loanlookup>

Freddie Mac Lookup Tool:

<https://loanlookup.freddiemac.com/>

Florida Housing Finance Corporation:

<https://www.floridahousing.org/>

Homeowner Assistance Fund:

<http://www.floridajobs.org/community-planning-and-development/homeowner-assistance/homeowner-assistance-fund>

Consumer Financial Protection Bureau:

<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/find-help-with-rent-and-utilities/>

U.S. Department of Housing and Urban Development:

https://www.hud.gov/eviction_prevention

U.S. Department of the Treasury:

<https://home.treasury.gov/>