



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***

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**FREQUENTLY ASKED QUESTIONS**

**FOR PROPERTY OWNERS: COVID-19 – PREVENTING FORECLOSURE AND OTHER INFORMATION**

**Disclaimer** – This guidance constitutes general information and does not constitute legal advice. It is not a substitute for advice specific to a particular situation, nor does it mention every aspect of the law that may apply to a particular situation. For specific questions, tenants should contact an attorney.

**Preventing Foreclosure**

Foreclosure is a long process and homeowners should not panic if they can't make payments. You should remember that COVID-19 related unemployment and loss of income are a widespread, national problem and many homeowners are facing these same issues. That means that responses from lenders and from the City of Somerville and the state and federal government are evolving.

**1. I am an owner of a single-family home or a condominium. Can I get any help with mortgage payments?**

Yes, there are some potential sources of funding to provide mortgage assistance if you are in arrears on your mortgage and at risk of foreclosure. These funds are available regardless of immigration status, but there are some other eligibility restrictions and required documentation.

**RAFT/ERMA Program (State funds)**

- The state has put an additional \$100 million into the [RAFT/ERMA Program](#) (Residential Assistance for Families in Transition/Emergency Rental and Mortgage Assistance), as part of its new [COVID-19 Eviction Diversion Initiative](#).
- If your income is at or below 80% of Area Median Income (AMI) you may be eligible for up to \$4,000 in mortgage assistance from the RAFT/ERMA program. If your income is



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between 50-80% AMI, you will be required to show that your need for mortgage assistance is related to or exacerbated by COVID. You can check income guidelines [here](#) and complete a RAFT/ERMA pre-application at [metrohousingboston.org](http://metrohousingboston.org).

- In order to be eligible for RAFT/ERMA mortgage assistance you must have mortgage payments that are currently due or overdue. You will need a current mortgage statement and a letter from your lender indicating that you are at least 30 days in arrears and at risk of foreclosure. Any payments that are in deferment or forbearance will not be eligible because they do not pose an imminent risk.
- RAFT/ERMA may provide up to \$4,000 for eligible households to assist with mortgage arrears and with upcoming mortgage payments. ERMA assistance (for homeowners between 50-80% AMI) is only available for mortgage arrears accrued after April 1, 2020.
- Additionally, RAFT/ERMA can be used to cover the following expenses if not paying these expenses puts the homeowner at imminent risk of foreclosure (even if in forbearance or deferment):
  - Property taxes not paid through the homeowner's escrow account
  - Insurance not paid through the homeowner's escrow account
  - Condo fees owed to a condo association

### City of Somerville Flex Funds

If your income is below 140% of Area Median Income and you do not have sufficient assets to pay your mortgage, assistance may be available through the City of Somerville's Office of Housing Stability (OHS) and the Somerville Homeless Coalition's (SHC) Flex Fund. In addition, for a limited time, through December 2020, the Flex-CV Fund may provide mortgage assistance to homeowners suffering COVID-related income loss. There are some eligibility restrictions and required documentation. You can apply directly to the [Somerville Homeless Coalition](#) or contact us for assistance (see below). Please be patient when waiting for a return call.

- The [Somerville Homeless Coalition](#) (SHC)  
617-623-6111  
Apply [online](#) for assistance from the [Rapid Response Homelessness Prevention Program](#)
- The [Somerville Office of Housing Stability](#) (OHS)  
Request OHS services [online](#), or call our intake line at 617-625-6600 Ext. 2581

### 2. I am the owner of a small residential property or a larger multifamily building and rent it out to tenants. Can I get any help with my mortgage payments or other help if my tenants are unable to pay their rent?

- **Mortgage Assistance:** If you are a landlord, the same resources described in the answer to **Question 1** may be available to help you pay your mortgage.
- **Rental Assistance:** In addition, we strongly advise you to **encourage your tenants to apply for rental assistance as soon as possible**, if they have already fallen behind or are unable to keep up with rent obligations. Refer your tenants to the OHS **FAQ for Tenants**, where they can find out how to apply for rental assistance, or encourage them to contact us directly for help with this process. You can also refer them directly to us for help. Request OHS services [online](#), or call our intake line at 617-625-6600 Ext.

2581. Rental assistance is a win-win: Connecting tenants to resources early can benefit you too. Properties can stay occupied and paid for and you *and* your tenants avoid the cost and stress of eviction.

- If you own a property with 20 or fewer rental units, you can now apply directly for RAFT/ERMA rental assistance on behalf of your tenants, as part of Massachusetts' new [COVID-19 Eviction Diversion Initiative](#). It is very important, however, that you coordinate with your tenants **before** they apply for RAFT/ERMA. You must obtain and submit a signed tenant consent form before applying for assistance and should also check general income eligibility for programs. If your tenant has **already submitted an application for RAFT/ERMA, please do not reapply**. This could delay the approval process. If your tenant has already applied to RAFT/ERMA, you can still help expedite the review of their RAFT/ERMA application by providing requested documentation, such as a copy of the lease or a summary of the amount your tenant owes to you.

### **3. What kinds of foreclosure protections are available to residential property owners who are unable to keep up with mortgage payments as a result of the COVID-19 pandemic?**

Trying to negotiate with your mortgage servicer should be your first step, as most servicers should have options for temporary relief/assistance. Many mortgage servicers have to work with you to see if you qualify for ways to avoid foreclosure. Your servicer may refer to this as loss mitigation.

What protections and assistance programs are available to you depends on who services your mortgage and what entity owns your mortgage. Check [here](#) for help finding out who services and/or owns your mortgage. You should reach out to your mortgage servicer (the company you pay every month) and see what they will do. Because so many homeowners are affected, these programs are changing frequently and you may find that within a week or two, better options have become available. While it is sometimes difficult to determine who owns your mortgage (as opposed to the company you deal with that services the mortgage), it is good to know that some major lenders have rolled out forbearance programs. See below for specific protections.

Federal and state laws regulate the foreclosure process and the right to [forbearance](#). Visit the Consumer Financial Protection Bureau [website](#) for information about mortgage relief options and protections for homeowners affected by COVID-19. For more detailed information, visit the National Consumer Law Center Library's [website](#).

**CARES Act:** Under the Coronavirus Aid, Relief, and Economic Security ([CARES](#)) Act, federally or GSE backed loan providers cannot foreclose on you until at least December 31, 2020. You also have a right to request and obtain a forbearance for up to 180 days if you have been affected by COVID-19, and you can request an additional 180 days for a total of 360 days of forbearance. Some federally backed lenders have a deadline of December 31, 2020 to request forbearance before you lose this right. You must contact your loan provider/servicer in order to receive this forbearance. You can find more information about this [here](#).

COVID-19 Mortgage Relief Options from Freddie Mac and Fannie Mae: If your mortgage is owned or insured by Freddie Mac or Fannie Mae you may be entitled to the following protections:

- Your lender or loan servicer may not foreclose on you until at least December 31, 2020.
- You have a right to request and obtain a forbearance for up to 180 days.
- Check [here](#) for more information about COVID-19-related relief offered to property owners with mortgages backed by Freddie Mac. To find out if your loan is backed by Freddie Mac click [here](#).
- Check [here](#) for more information about COVID-19-related relief offered to property owners with mortgages backed by Fannie Mae. To find out if your loan is backed by Fannie Mae click [here](#).

Freddie Mac Multifamily: Freddie Mac insures about 20% of all multifamily rental buildings. Freddie Mac is offering loan forbearance to multifamily owners affected by COVID-19 with loan payments being deferred for a 90-day period provided that they agree not to evict any tenants solely for non-payment of rent within this same period. You should reach out to your lender to see what forbearance options are available to you.

Federal Housing Administration (FHA): In addition, the FHA is suspending foreclosure activity for all FHA backed mortgages until December 31, 2020. You are more likely to have an FHA mortgage if you had a low down payment (5%), and it usually says FHA right on your mortgage. More details from the FHA can be found [here](#).

Private Lenders: Some private lenders including Bank of America, Citibank and Quick Loans have announced mortgage/foreclosure relief programs for those facing hardship due to COVID-19. See [here](#) for information on private lenders' hardship programs. Remember, this is an unprecedented national crisis and lenders are continually adjusting their programs. So, do not agree to terms if you are concerned that you will not be able to make the payments that you would be agreeing to.

## **Other Important Information for Property Owners**

### **4. What is the Housing Stability Notification Act?**

The [Somerville Housing Stability Notification Act](#) (HSNA) promotes housing stability by requiring landlords to provide Somerville tenants with [notice of rights and resources](#) when a landlord is ending a tenancy. These documents provide information about how to get legal help and apply for rental assistance and are available in English, Spanish, Portuguese, and Haitian Creole on our website at [somervillema.gov/ohs](http://somervillema.gov/ohs). To learn more about your responsibilities under the HSNA, please see **Question 5** and our [HSNA FAQ](#).

## 5. As a landlord, what are my responsibilities under the Housing Stability Notification Act?

When you or a foreclosing owner serves a Somerville tenant or former homeowner with a notice to quit or notice of lease nonrenewal or expiration, you must simultaneously serve the [notice of rights and resources](#) documents required by the [Somerville Housing Stability Notification Act](#) (HSNA). If no notice of lease nonrenewal or expiration is served, the required notice documents must be provided at least 30 days in advance of filing any eviction action in court. The required documents are available in English, Spanish, Portuguese, and Haitian Creole on our website at [somervillema.gov/ohs](http://somervillema.gov/ohs) and must be served in-hand or by certified mail. The documents should be provided in your tenant's primary language, if known.

## 6. Can I bring an eviction case in court?

Yes, **but** there are local and federal emergency orders in place during the COVID-19 pandemic that may protect your tenants temporarily from physical removal even if a court orders their eviction—see below and visit our website at [somervillema.gov/ohs](http://somervillema.gov/ohs) for more information. These temporary protections do **not** cancel the rent; your tenants still owe the rent and should apply right away for rental assistance—see **Question 2** and our **Tenant FAQ** for more information about rental assistance. Remember that rental assistance is a win-win: Connecting tenants to resources early can benefit you too. Properties can stay occupied and paid for and you *and* your tenants avoid the cost and stress of eviction.

### [City of Somerville Moratorium on Eviction Enforcement](#)

During the COVID-19 emergency, even if you bring an eviction case and a court gives you permission to evict your tenants, physical removal is prohibited by the [Somerville Moratorium on Eviction Enforcement](#). This Emergency Order remains **in effect until further notice**.

### [Federal/CDC Eviction Moratorium](#)

If your tenants meet certain conditions, they may also be protected by the [Federal/CDC Eviction Moratorium](#), **in effect through January 31, 2020**, unless it is extended. This Order by the Centers for Disease Control (CDC) protects qualified persons from eviction due to nonpayment of rent. You may still bring an eviction case even if your tenants are protected by the Federal/CDC Moratorium, but they should be protected from physical removal (and should be protected even after it ends by the [Somerville Moratorium on Eviction Enforcement](#), which remains in effect until further notice).

## 7. Can I require my tenants to allow access to their units for non-emergency purposes during the declared COVID-19 emergency?

No, the [City of Somerville Moratorium on Eviction Enforcement](#) also includes a provision preventing owners and realtors in the City of Somerville from showing units or allowing entry except in cases of emergency or to make repairs that tenants request or that are legally required. This Emergency Order remains **in effect until further notice**.

## **8. Where can I get further information and assistance?**

- For information from the U.S. Consumer Financial Protection Bureau (CFPB) regarding COVID-19 mortgage relief options, including provisions of the CARES Act, check [here](#)
- For general recommendations from the Massachusetts Attorney General's Office about preventing foreclosure, check [here](#). The National Consumer Law Center Library's [website](#) has more detailed COVID-related information.
- If you still have questions after reaching out to your lender, and you are homeowner in an owner-occupied property, leave a message with the Consumer Rights Unit of Greater Boston Legal Services at 617-603-1671 and they will call you back as soon as possible.
- Visit our webpage at [somerillema.gov/ohs](http://somerillema.gov/ohs), call our intake line at 617-625-6600 Ext. 2581, or submit an [online referral/self-referral form](#). Please be patient. We are doing our best to get back to everyone as promptly as possible and look forward to speaking with you.

Prepared by the Somerville Office of Housing Stability.

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