

Federal Mortgage Affidavit

Due to the COVID-19 emergency, the Federal Government has passed an eviction moratorium under the CARES Act (Section 4024). This provision contains restrictions that prevent landlords from filing an eviction if they have a federally backed mortgage. The mortgage loans cover any property loans, other than those for temporary financing, such as a construction loan.

Under this 120-day eviction moratorium, which began on March 27, 2020, the lessor of a covered dwelling unit may not:

- (a) Make, or cause to be made, any filing with the court of jurisdiction to initiate a legal action to recover possession of the covered dwelling from the tenant for **nonpayment of rent or other fees or charges**; or
- (b) Charge fees, penalties, or other charges to the tenant related to such nonpayment of rent;
- (c) Require the tenant to vacate the covered dwelling unit before the date that is 30 days after the date on which the lessor provides the tenant with a notice to vacate; and
- (d) May not issue a notice to vacate under paragraph (a) until after the expiration of the 120-day period.

To ensure compliance with the CARES Act, the Cleveland Housing Court is requiring lessors to disclose certain financial statements about their mortgage status to the Court in order to determine whether or not an eviction action may move forward.

Please initial the following provisions that apply to the Property and/or the mortgage loan for this Property.

_____ I am the owner, landlord or agent of the Property stated at the address above.

_____ This Property is a covered dwelling under the CARES Act, meaning it is either:

- (a) occupied by a tenant pursuant to a residential lease; or
- (b) without a lease or with a lease terminable under State law;

_____ This Property participates in, or: _____ This Property **does not** participate in, nor:

- (a) a covered housing program under section 41411(a) of the Violence Against Women Act of 1994;
- (b) the rural housing voucher program under section 542 of the Housing Act of 1949;
- (c) has a Federally backed mortgage loan; or
- (d) has a Federally backed multifamily mortgage loan.

The term “Federally backed mortgage loan” or “Federally backed multifamily mortgage loan” includes any loan which is secured by a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) or any loan that is secured by a first or subordinate lien on residential multifamily real property.

Federally backed mortgage loans or Federally backed multifamily mortgage loans may also include, but is not limited to, a mortgage loan made in whole or in part, insured, guaranteed, supplemented, or assisted in any way by one of the following federally backed mortgage agencies or officers:

- (a) by any officer or agency of the Federal Government;
- (b) under or in connection with a housing or urban development program administered by the Secretary of Housing and Urban Development (**HUD**) or a housing or related program administered by any other such officer or agency; or
- (c) is purchased or securitized by the Federal Home Loan Mortgage Corporation (**Freddie Mac**) or the Federal National Mortgage Association (**Fannie Mae**).

I _____, certify, to the best of my knowledge the financial statements listed above are a true and accurate reflection of my mortgage loan status for the property located at _____

 (“Property”).

Owner or Agent – Signature/Date

Owner or Agent - Print Name

Witness – Signature/Date

Witness – Print Name