**CAN WE PROCESS YOUR REQUEST FOR EVICTION?**

**WE NEED TO HAVE YOU ANSWER THESE QUESTIONS FIRST**

**CARES ACT ANALYSIS**

The federal moratorium took effect on March 27, 2020 and extends for 120 days under Section 4024(b) of the CARES Act.

The eviction moratorium applies to “covered dwellings” which includes those dwellings on or in “covered properties”. A covered property pursuant to Section 4024(a) includes the following:

1. **Participate in a “covered housing program” as defined in section 41411(a) of the Violence Against Woman Act of 1994 (34 U.S.C. 12491(a));VAWA-covered housing programs include the following (check any boxes that apply)**

**Department of Housing and Urban Development (HUD)**

 Public housing (42 U.S.C. § 1437d)

 Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f

 Section 8 project-based housing (42 U.S.C. § 1437f)

 Section 202 housing for the elderly (12 U.S.C. § 1701q)

 Section 811 housing for people with disabilities (42 U.S.C. § 8013)

 Section 236 multifamily rental housing (12 U.S.C. § 1715z-1)

 Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 1715l(d)

 HOME (42 U.S.C. § 12741 et. Seq.)

 Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. § 12901, et.

 Seq.)

 McKinney-Vento Act homelessness programs (42 U.S.C. § 11360, et. seq.)

 **Department of Agriculture**

 Section 515 Rural Rental Housing (42 U.S.C. § 1485)

 Section 514 and 516 Farm Labor Housing (42 U.S.C. § 1484, 1486)

 Section 533 Housing Preservation Grants (42 U.S.C. § 1490m)

 Section 538 multifamily rental housing (42 U.S.C. § 1490p-2)

**Department of Treasury**

 **Low-Income Housing Tax Credit (LIHTC) (42 U.S.C. § 42)**

1. **Rural housing voucher program under Section 542 of the Housing Act of 1949 (42 U.S.C. §1490r), excluded from the covered housing programs in the 2013 VAWA reauthorization statute**
2. **You have a:**
	* **Federally backed mortgage loan defined as a first or subordinate lien on residential real property (including individual units of condominiums and cooperatives) designed for the occupancy of from 1 to 4 families.**
	* **Federally backed multifamily mortgage loan defined as a first or subordinate lien on residential multifamily real property designed principally for the occupancy of 5 or more families**.

**by initialing this box, you represent that your property does not qualify as a covered dwelling and please continue to the NYS analysis**

**by initializing this box, you represent that you have not asked and received a forbearance on a federally backed mortgage or federally backed multifamily mortgage defined above**

**NEW YORK STATE EXECUTIVE ORDER 202.28 ANALYSIS**

**Pursuant to Executive Order 202.28, there shall be no initiation of a proceeding or enforcement of an eviction of a residential or commercial tenant for nonpayment of rent by someone that is eligible for unemployment insurance benefits under state or federal law or otherwise facing financial hardship due to the COVID 19 pandemic until August 20, 2020.**

1. **Since March 7, 2020 has the tenant communicated with you and stated that they had any of the following circumstances occur (check any boxes that apply):**

 Tenant lost their job, had their hours reduced, was furloughed

 Tenant is eligible or is receiving unemployment benefits

 Tenant tested positive for COVID 19 and therefore could not work

 Tenant was the caretaker for someone who tested positive and could not work

Tenant is the primary caretaker of a minor child not able to attend school due to the PAUSE Order and therefore could not work

Any other affirmative statement where the tenant communicated with you an inability to pay rent due to COVID

1. Between the dates of May 6, 2020 and June 6, 2020, did the tenant communicate with you and ask that the security deposit be applied to arrears or current rent?

 Publ Yes, tenant requested this

**by initialing this box, you represent that you have had no communications with the tenant to gain any knowledge that they are eligible for unemployment or facing a financial hardship**