

CCPU-EP12-2020-0409-Ranie Thompson, JD - Renters, Homeowners, and Housing Discrimination - know your rights.m4a

Dr. Nicholas Van Sickles: [00:00:01] Hello and happy Thursday. This is Dr. Nicholas Van Sickles. I am the chief medical officer at CrescentCare, a federally qualified health center in New Orleans. We are coming to you all a few times a week to discuss issues related to COVID-19 in the United States, specifically as they relate to New Orleans, to Louisiana, or relate to anyone that's listening this podcast and how they might affect the clients and patients of CrescentCare. Today we are lucky to have Ranie Thompson, director of our legal services, back with us to talk about housing. This is something that's been getting a lot of popular attention in the media. Ranie, if you can just reintroduce yourself so everybody, if they missed the first podcast- which you should listen to- they can get a little bit acquainted with who you are and what you do here at the agency.

Ranie Thompson, JD: [00:00:42] Great. Thank you. I am Ranie Thompson. I'm an attorney here with the agency. I'm the director of the legal services program here. We provide direct legal services for free on civil legal claims for clients who might need that help. And so we are a medical legal partnership and we work closely, really hand-in-hand, with social services, with social workers, the medical providers here on the team. We are housed here in New Orleans in the clinic. And also we've got an office in Baton Rouge as well. I'm excited to be back with you app today and to talk about some issues that really are concerning to our clients.

Dr. Nicholas Van Sickles: [00:01:28] Yes. Let's start. I think when you and I talked about this beforehand, we wanted to kind of break it up into people who are renting, people who own or paying a mortgage, and then how the legislation that's been passed helps people that are affected by COVID-19, but how the existing laws are still there. So what are we talking about renters? What is happening with renters? We know that the unemployment claims have been soaring and with that, of course, people have lost jobs, have lost income, might not be able to make their rent. What can people who are renting expect right now from their landlords in this crisis?

Ranie Thompson, JD: [00:02:05] It's really important for renters in our community to know that there are protections that are available for them under both federal law and some executive orders that have been issued by Governor John Bel Edwards. Specifically, there are moratoriums, meaning these actions have been suspended, as it relates to evictions. Under the CARES Act which is the federal act that was rolled out a couple of weeks ago, that has protections for renters, there's a moratorium that prevents landlords from evicting renters for at least 120 days if it's a non-payment of rent issue. So that means that there's an effective date that that order went into place, and for the hundred and twenty days from that effective date, evictions are suspended. Then it also provides that if the landlord should want to take action for non-payment of rent, that landlord would have to give the tenant a 30 day notice of his intent to evict. But that can't be delivered until after the CARES Act has expired. At this point, things continue to change; rules change constantly. So we're doing our best to stay on top of this. But essentially, landlords should not be taking action against tenants at this point who are unable to make those rent payments. That's the way the law reads. But we all know that landlords don't don't always adhere to that. And so it's really important for renters in our community to know that if they've been threatened with an eviction, if their landlord is taking actions that's counter to both the CARES Act and the executive order that was issued by Governor John Bel Edwards, which was extended until April 30th, that they need to seek legal help. And we've got resources on our website that they can look for that will give them some ways in which they might reach out for legal assistance, get their questions answered online, but also advocate for themselves in these situations.

Dr. Nicholas Van Sickles: [00:04:28] Definitely. I think one of the things y'all do so well is encourage and train people- and this as social services, too- to really learn how to advocate for themselves and provide them the tools to do that. You mentioned they can't evict them for non-payment of rent. And you said that very intentionally. They can evict them for other reasons, still?

Ranie Thompson, JD: [00:04:46] There's a lease agreement. There is a contract in place between the tenant and the landlord. And so there are other terms in the lease that you are still obligated to adhere to. This specifically deals with non-payment of rent, right? But the problem is, if there is a lease violation or an alleged lease violation, on the part of the tenant, the landlord can still take actions to evict. But because the governor's

order is in place and the courts are essentially closed in many parts of the state, filing that action- and it does require legal action, a legal proceeding in the state of Louisiana- filing that action right now has also been suspended. What renters should know, what communities should know, is that you still are obligated to adhere to the terms of your lease agreement. Pull it out. Make sure you're not violating violating those terms. Pay your rent if you can afford to pay the rent. Because when these orders sunset, the obligation remains, that you are still going to have to do that. And if you need some sort of accommodation as it relates to your ability to make a payment, or you might need some accommodations as it relates to how the lease term now it doesn't work, given your current situation, communicate with your with your landlord. Document everything. You heard me say that before: document everything. And again, use the resources that are available to you online. There's some sample letters on some websites that can tell you how to do this, some email language that's been crafted to help tenants talk to their landlord, so that you're saying the right thing, using the right language, so that it's very clear that you're exercising your rights to protect yourself, to protect your interests beyond this crisis. And just know, like I said, if you need legal help, there are resources available to assist you.

Dr. Nicholas Van Sickles: [00:06:50] Okay, that's great and good to know. I like outlining that point: you're still obligated to the lease, so even if you can't be evicted right now, it's things could be coming. Which is tough in the midst of all the stress and anxiety and unknown, to make sure you're still staying on top of it, staying prepared, knowing how to advocate for yourself and preparing for eventually having to repay rent. I mean, you're going to have to. Hopefully seeking out assistance and so many other things you talked about on the last podcast, the social services programs and employment benefits, things like that, that might help people catch up with their rent. What about for people who are paying a mortgage, who are trying to buy a house? What is what is their obligation now? What if they can't make their mortgage?

Ranie Thompson, JD: [00:07:35] There are protections for our homeowners. Again, the governor's order here in Louisiana has suspended foreclosure actions and sales and seizures of people's properties in the state of Louisiana has been suspended, under that order through April 30th of this year. It might be extended, but that's one of those things that we're constantly monitoring because it changes. For now, Louisiana

residents who are borrowers paying a mortgage right now, they have that protection. Under the federal law, under the CARES Act, there are protections available for homeowners as well, but it specifically covers those who have mortgage loans that are federally owned or federally backed. And so you're looking at folks who have like a Fannie Mae, Freddie Mac, U.S.D.A., a VA loan, something like that. And the rules are specific: the law is very clear that that's what's covered. That group of folks, borrowers are the ones who get the moratorium that exists under the CARES Act. So there is a moratorium and it expires on May 17th of this year. That means that under that moratorium, if you are borrower with a federally backed loan that falls within that group, your mortgage company cannot initiate foreclosure proceedings against you. In Louisiana, it's a judicial foreclosure process, so that means they have to go to court to be able to get the ball rolling, essentially to get a court order that will allow them to seize and sell your property after they go through all of the legal proceedings and any challenges that you might have. So they're not even supposed to initiate that. If you are a homeowner who had foreclosure proceedings that were already going forward before the emergency declaration, those proceedings have been suspended as well. So all foreclosure proceedings -there's a moratorium on those federally backed loans.

Dr. Nicholas Van Sickles: [00:09:44] A couple of questions I want to ask: how do people know if they have federally backed loans? That's a basic question, and you mentioned some of the common ones that I know I've heard about the news, but how do you find that information out?

Ranie Thompson, JD: [00:09:56] It's gonna take a little digging if you don't know. Freddie Mac and Fannie Mae both have look-up portal's on their websites,so you can start there with them at least. Just plug in your information and it'll tell you immediately whether or not you're covered by one of those two programs. The other thing to do would be to look at the loan documents that you got when you closed on that mortgage. Go back there, take a look at those, and it will have some language that will tell you that it is or is not. You can contact the National Housing Authority, National Housing Association and see if it's an FHA loan. That's a national servicing center. FHA loans, you might get that information from there. And then I put a link to a website on our Web page that has a link to a website that will give you the ability to check if you have one of those loans. It's not as apparent and easy as it should be, but if all else fails just call

your mortgage servicer and ask, "Look, am I covered? Is this loan covered by this?" And ask for the help.

Dr. Nicholas Van Sickles: [00:11:08] That's great advice and a good way to know. I was just thinking through how each of us who might own houses would even know where our loans came from, because when you apply for a loan you get so in the weeds about your finances, you don't always think about that. The second thing I want to ask you, when May 18th comes, what happens?

Ranie Thompson, JD: [00:11:28] If you have not exercised your rights under the CARES Act, May 18th comes, and everything just goes full force again, unless the CARES Act is extended. And so I keep saying you have to ask for the help. There is within the CARES Act, protection. Mortgage payment relief is what we're calling it. If you're a homeowner, if you're a borrower, and you cannot afford to pay your note during this time, and your loan is covered -it's federally backed- then you have to ask your mortgage company for the assistance that the Act provides. They're not obligated under the Act to tell you that you should do this. So, again, it's got to be federally backed and it's a forbearance that's being offered. The forbearance means that for a set period of time under this Act, when you when you put the request in up to 180 days, you can either have your payment deferred or you can have it reduced. But at the end of the forbearance period, you have to pay it. Whatever is owed, the obligation is on the borrower to essentially bring your account current.

Dr. Nicholas Van Sickles: [00:12:45] So having that conversation with the lenders sounds like really a key point to find out if you are protected under the CARES Act, if you need to use the benefits, to make sure you activate those benefits, and then to plan ahead for how you're going to be able to pay this over the long term, hopefully using some of the other resources afforded by the different Acts.

Ranie Thompson, JD: [00:13:04] Correct. And you know, we had the foreclosure crisis in this country not so long ago. And so this is not a new situation for either the borrower or lenders. What came out of that crisis was that lenders really had to set into place processes that will afford borrowers opportunities to look for alternatives to avoid foreclosure. And that included loan modification, repayment plans, deferring the

payments back to the end of the mortgage. Most people think when you ask for forbearance that that's what happens. That's not what happens. A forbearance doesn't forgive it. It doesn't waive it. It just suspends it for a minute, for this period of time, and then you have to figure out how you're going to bring that account current. If you're not able to do it, it's asking before you get to the end, right? Don't wait until that forbearance period ends. It's asking for the help before you get to the end. And within the CARES Act, you can actually request an extension of that forbearance period. If you need more time than that 180 days that's been afforded to you, you can ask for an extension and it can be extended for, I believe, up to another 180 days. It's really trying to give our homeowners some relief so that they can continue to navigate through all of these changes, get their finances back on track, and then keep their homes. And keep moving forward and re-stabilizing themselves financially. Again, take advantage of what's there. And always, always, always get it in writing, right? Get it in writing.

Ranie Thompson, JD: [00:14:54] I did the foreclosure defense work for several years, and what routinely came through the door was, "Well, that wasn't my understanding of what the agreement was." Or, "They didn't explain it to me that way." And so I say, get it in writing and then take a look at what they send you, because if it's not what you thought it was, if the terms are different than what you agreed to, then you need to go back or have a lawyer go back and advocate for you so that you get the right help that you need.

Dr. Nicholas Van Sickles: [00:15:28] I'm so happy you're on today talking about this. We talk about housing. Before all this happened, we had so many conversations with people about housing. Housing is health. Housing is so important for the work we do, and it is just a crucial resource. Now we have this that is threatening housing so much, and I think these tips and this advice for a lot of people who have bought a house and taken that step, to know what they need to do and to get prepared. Because I think all of us are in this shellshocked state and might not be thinking like, "OK, I deferred it" or "The government's either going to give me some money". These Acts are very complicated. It's hard to understand what it means. This is really, really good information. I think it's wonderful that you're coming on here and spreading it. So thank you.

Ranie Thompson, JD: [00:16:10] Let me add that that everything that I've been talking about so far, we're still dealing with people who have federally backed loans. If you don't have one of those loans, then the CARES Act, unfortunately, is not covering you. We've still got homeowners, borrowers, who can't pay the note irregardless of whether or not it's federally backed.

Dr. Nicholas Van Sickles: [00:16:31] So what are some options there?

Ranie Thompson, JD: [00:16:32] We go back to what we've been able to do post-crisis. You know, during the crisis. So you still need to go back to your lender and say, "I need help. I'm experiencing a financial hardship. It's impacting my ability to pay my note. What options are available for me?" If you can't get through to them on the phone, you can always go online. Setup an account online. As a result of the foreclosure crisis that we were in, most servicers set up a loss mitigation department within their collections, within their agency. And so you can actually email and interact with them and submit documents and all that through their online loss mitigation portal. That stuff is going to be saved. You've got records of your submissions. If you have the ability to access the servicer online, your account online, then communicate that way. But ask for it. And then, again, you've documented that you've put the request in and the rules, the laws didn't go away. They're still obligated to review these accounts and adhere to the rules before they even get into a foreclosure against you.

Dr. Nicholas Van Sickles: [00:17:50] Correct me if I'm wrong. I know obviously the industries want to make money and make a profit. But in general, their goal is they don't want a lot of people foreclosing. Correct?

Ranie Thompson, JD: [00:18:00] Yes. I'm going to say yes. That's the foreclosure defense attorney in me. I'm going to say yes. That's the hope that we have, that if the loss mitigation tools that are in place to keep people from going into foreclosure is actually used correctly, and for the benefit of borrowers, then, yes, that's the goal. They will do the right thing, and folks will be given options that fit them financially, that will allow them to retain the properties.

Dr. Nicholas Van Sickles: [00:18:32] Through all of this, federal or non-federal loan, the unifying message is reach out for help. Document. Reach out. Take the steps, and when you don't know, ask for help from someone who does.

Ranie Thompson, JD: [00:18:47] It's critical. Dealing with finances and then finding yourself in a place where you might actually lose your home or be evicted, it's terrifying. For our community, there's a sense of shame, and some sort of failure that comes with that. Especially now that we're self-quarantining and staying home, it becomes isolating even more. And so you're not talking to folks about it when, in normal settings, it's hard to tell family members, "I might be foreclosed on" or "I might be evicted", and asking for help. It's not an easy thing to do. And so in these current times, it becomes increasingly challenging for folks. Which is why the message has to be that you have to ask for the help. You have to reach out to the resources that are there, look for the information, ask the questions and know that this is within your rights. Mortgage companies, they're supposed to be there to receive these requests and process them. And especially for folks who fall under the CARES Act, if you call in and say, "I'm experiencing financial hardship that's related to the current crisis and I need this forbearance or whatever other relief I am eligible for" There is no requirement other than you self-attesting that that's what your situation is. Then they review it and whatever information that they need in terms of your finances to make that decision is what happens. You're not required to turn over any written evidence, no documents, no medical records that establishes that. And that's important to know, because on the other side of that, for folks who are not federally backed, if you don't fall in that category, you might be overwhelmed with the requests to send in all of whatever sorts of documentation, bank records and all of these things that traditionally go with the whole loss mitigation review process. There are housing counselors that are available to help you navigate that. So resource link on our Web site: it's a HUD link that can connect you to housing counselors free because this can be done for free. These services are available for free. So access them and utilize them so that they can help if you need that advocate and you can't do this yourself. Use that resource that's there to help you do it.

Dr. Nicholas Van Sickles: [00:21:16] That's great advice. And really important right now. Last thing I want to get to and we've talked about this a little bit, is the laws have changed. Let me rephrase that: laws HAVEN'T changed; there have been new Acts

passed. What is the messaging that you would like to get out about how the existing laws are still there, and there's this new overlay of these new Acts?

Ranie Thompson, JD: [00:21:42] I think you've described it. People in crisis, we tend to forget that we were dealing with some pretty horrible injustices. That folks were dealing with these issues long before crisis situations. We were dealing with illegal practices, discriminatory practices of landlords against tenants. The foreclosure crisis brought out some things that mortgage servicers were doing that were clearly counter to what the law allowed. And it also pointed out some systemic issues that needed to be addressed. At this time, what we really want folks to know is that the law, like the Fair Housing Act, didn't go away. It's not put on the back burner because we now have the CARES Act, and we have these moratoriums in place, and folks are prohibited from doing certain things. Discriminatory actions are still ongoing. There are illegal lockouts. People are being threatened with eviction, or moved into isolated places within certain units because there's this belief that you might be infected with COVID-19 or somebody in the property might be infected with COVID-19. Maybe you've got a landlord with a multi-family unit that's going to say, "OK, everybody in this age group, you go over here because you're a higher risk group." We haven't seen that, or at least we haven't heard it, and the hope is that it's not happening. But what we want to do is get the word out to folks that if you find yourself in a situation where you believe you're dealing with some actions against you that somehow correspond to what's happening with this crisis, if you are encountering some hostility, if you've asked your landlord to accommodate you, if there's supposed to be an inspection, if they're supposed to be something that happens during this time and you've said I need you to accommodate me because we're social distancing now. Right? We're doing these things now. And you're just getting resistance. Or the landlord is silent and you can't get any response. Then there's some problems there. If you've you know, if you are asking for help and the landlord is like, "Well, prove to me that you have this," or if asking for unreasonable things, things that are unnecessary to support your request for assistance. Routinely folks refuse to rent to folks, connected to COVID-19 or not. Race, gender, disability, all of these things we see frequently in our day to day work around here. We fight these on a daily basis. Beyond the crisis, we're looking at this, plus what comes behind the crisis, right? We know that folks will continue to unfortunately engage in these discriminatory practices, but what will the lens of COVID-19 crisis look like on top of this?

Dr. Nicholas Van Sickles: [00:25:11] That's a tough question. I think we've certainly seen COVID-19 bring out disparate health outcomes along racial lines. We're going to see it along other lines, too. And so I think it's very good you're bringing this up where people can get advice, what they need to do, what they need to look out for and know that it's not OK because it wasn't OK before. It shouldn't be getting worse now.

Ranie Thompson, JD: [00:25:35] Right. Definitely. It really is important for folks to know that your rights are still protected, they didn't go away. And if you advocate for yourself and then you get some retaliation in response to your efforts to advocate for yourself, you still have rights. You still are protected against even the retaliation that comes from you being vocal and visible. They just want people to be invisible, unfortunately, in this world. Low-wage workers, communities of color, folks who are just trying to survive are pushed back beyond the margins and are told to just be invisible. And we're saying no: you still have rights and you've got folks in these spaces who, like CrescentCare, are advocating for you, and hopefully arming you with the information you need. To know that if you exercise those rights, you're not standing alone.

Dr. Nicholas Van Sickles: [00:26:31] Well, Ranie, this has been wonderful. I know you sent me a list of topics. I would love to have you or any of your colleagues, too. Please come back on a regular basis. I think arming people with this knowledge. You know, my bias, of course, is as a health care provider. But as I said to you last time on the podcast, half of what I talk about is not necessarily directly related to health. It IS related health, because, as I said, housing is health. Your rights are health and those affect your health outcomes. If anything, COVID-19 has just brought that out. So I would love to have you all back on a regular basis, if that's okay with you.

Ranie Thompson, JD: [00:27:09] I'll talk to my team.

Dr. Nicholas Van Sickles: [00:27:12] Talk to your team. All right. Thank you so much. And we will get this up soon.

Ranie Thompson, JD: [00:27:16] Awesome. Thank you.

Dr. Nicholas Van Sickles: [00:27:16] All right.