MBA has advocated for policies that maintain the stability of the commercial and multifamily real estate finance industry during the COVID-19 pandemic.

INTRODUCTION
Throughout the pandemic, MBA has worked with our members, banking regulators, Congress, and the White House to advocate for important relief to the US economy and the real estate finance industry. The results included targeted relief programs that directly impacted CREF members, including:

- Direct rental assistance;
- Enhanced and extended unemployment benefits;
- Several rounds of direct checks to individuals;
- The Paycheck Protection Program (PPP) for businesses;
- Relief for restaurants and shuttered venues; and
- Regulatory capital and accounting relief for financial institutions, including life insurance companies.

With the widespread distribution of the COVID-19 vaccine, the worst of the pandemic is likely behind us. However, some policy challenges remain, including:

- CDC nationwide eviction moratorium;
- CFPB eviction mortarium disclosure rule; and
- Rental assistance distribution.

MBA continues to work with government regulators, state and local governmental officials, and Congress to mitigate ongoing risks to the CREF industry.

OPEN POLICY MATTERS

CDC NATIONWIDE EVICTION MORATORIUM:
On September 4, 2020, the CDC issued an order imposing a nationwide eviction moratorium. This means that a landlord, owner of a residential property, or other person with a legal right to pursue an eviction or a possessory action cannot evict for nonpayment of rent any covered person
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who submits an appropriate hardship declaration, from any residential property in any U.S. state or U.S. territory where the Order applies. Recently, the CDC Order was extended through July 31, 2021, but the CDC noted that this would be the last extension of the Order.

Key Points:
• Given the expenditure of billions of dollars of direct rental assistance, direct checks to individuals, enhanced and extended unemployment insurance, and improvements in the economy, MBA supports allowing the CDC nationwide eviction moratorium to expire on July 31, 2021.

Resources:
• CDC Order (Revised June 24, 2021)
• CDC FAQs on eviction moratorium

Up-to-date state-by-state CMF eviction moratorium tracker: Many states also have imposed eviction moratoriums, by legislation or by executive order. Please click on the following link to find the most up-to-date information on state eviction moratoriums, legislation, and executive action on moratoriums.

CFPB EVICTION MORATORIUM DISCLOSURE RULE:
The CFPB issued an interim final rule under the Fair Debt Collection Practices Act that imposes a disclosure obligation on landlords taking action to evict. The rule became effective May 3, 2021 and applies so long as the CDC Order applies.

Summaries:
• MBA Summary of CFPB Interim Final Rule

RENTAL ASSISTANCE:
To provide housing support for property owners and tenants, Congress established two separate emergency rental assistance (ERA) programs, one under the Consolidated Appropriations Act and the other under the American Rescue Plan Act. Under both programs, Treasury disburses rental assistance funds to states, territories, and large municipalities, for distribution to landlords and tenants. MBA supported Congress establishing both rental assistance programs as a way to support the real estate finance industry.
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Despite considerable guidance from Treasury, states and municipalities have been slow to deliver funds to tenants and landlords. Renters and landlords desperately need the rental assistance they were promised by Congress and the rapid distribution of ERA funding remains a top priority for MBA and our members.

Key Points:

- MBA continues to encourage states and municipalities to remove barriers to participate in rental assistance programs, such as onerous documentation requirements, that hinder tenant and landlord participation.
- The federal, state, and local governments need to increase communication and outreach efforts to improve programmatic awareness, and subsequently, increase participation.

See MBA’s advocacy on speeding up the distribution of rental assistance:

- Summary of ERA FAQs
- MBA letter urging states and municipalities to expedite delivery of rental assistance
- Real estate letter on rental assistance implementation

PRIOR COVID-19 POLICY DEVELOPMENTS:

Federal COVID-19 Relief Legislation
Three waves of COVID-19 relief legislation have been passed. This relief has included direct payments, enhanced and extended unemployment benefits, rental relief, and assistance for restaurants and shuttered venues.

See MBA’s summaries of each:

- MBA Summary of American Rescue Plan
- MBA Summary of the Consolidated Appropriations and Additional Coronavirus Response and Relief Act, 2021
- MBA Summary of the CARES Act

TDR relief:
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Through a combination of interagency statements, the CARES Act, and NAIC actions on life company accounting and risk-based capital, lenders have received relief from Troubled Debt Restructurings (TDR) treatment that would have impaired their ability to make prudent loan modifications for borrowers temporarily affected by the pandemic.

- **CARES Act Section 4013**

- **Interagency Statements**
  - Interagency Statement on Loan Modifications and Reporting for Financial Institutions Working with Customers Affected by the Coronavirus (Revised) (April 7, 2020)

- **NAIC Life RBC and Accounting relief**
  - COVID-19 RBC Guidance from E Committee (March 27, 2020)
    - Q&A on E Committee Guidance (June 12, 2020)
    - Additional Guidance for Life RBC (Revised Feb. 11, 2021)
  - INT 20-03: Troubled Debt Restructuring Due to COVID-19
  - INT 20-07: Troubled Debt Restructuring of Certain Debt Instruments Due to COVID-19)
  - Note: The December 27, 2020, amendment to the CARES Act clarified that TDR relief under section 4013 also applied to “insurance companies.”