

FAQ on Foreclosure/Eviction Directive

Does this directive apply to commercial properties?

No.

Is assistance available for landlords to continue paying their own mortgages while tenants aren't paying rent?

The Directive specifies that tenants are not relieved of their obligation to pay rent. In his press conference, the Governor strongly encouraged those tenants who can to pay on time and in full.

At this time, there are no state dollars available to help residential landlords pay their mortgages. We recommend that you immediately contact your mortgage servicer to find out if loan forbearance is an option, or if your lender has a program in place to help get through this unprecedented situation.

Under SEC. 4023 of the CARES Act, owners of multifamily properties with federally backed loans can request a forbearance on residential mortgage loan payments.

I can't continue to pay my own bills if my rental income is not coming in. How do you expect landlords to weather this?

We recognize that while some landlords may have resources to absorb the loss of payments for a longer period of time, others may not. Given the current emergency condition requiring social distancing and quarantining to reduce spread of the coronavirus, preventing the loss of homes is critical.

In crafting this directive, thoughtful consideration was given to recognize and minimize the potential negative impacts of such protections on landlords and other parties to rental agreements and mortgages. Therefore, the directive is currently effective through April 10 but with the ability to extend if warranted by this rapidly changing public health emergency. In addition, the state continues to explore all policy options to support tenants and landlords.

My tenant hasn't paid rent in three months and I must evict them. Does this directive prevent me from continuing that process?

Yes. The directive does prevent actions for termination of a tenancy, possession, unlawful holdover, or rent involving a residential tenancy. In addition, no writ, judgment, or order requiring a tenant or authorized guest to surrender or vacate the premises shall be enforced. The Governor has requested the courts of the state to stay all currently pending actions.

My landlord gave me an eviction notice last week/yesterday – does this directive change that?

Yes. The Governor’s directive requests the courts to stay all currently pending actions except for health and safety violations.

My landlord doesn’t care about this directive and has evicted me anyway, what should I do?

We recommend contacting the Montana Legal Services Association.

Does this directive apply to vacant or abandoned rental units or homes?

No. The directive does not apply to eviction actions taken or made after the tenant (including tenant family members) is no longer in possession and no longer occupies the dwelling unit personally as their home. Nor does the directive apply to any foreclosure action made after the borrower (or other debtor including family members) is no longer in possession and no longer occupies the residential property personally as their primary home.

Can my landlord increase my rent under this directive?

Under this directive, no landlord may increase the amount of rent payable under the terms of a rental agreement, except previously agreed increases or reasonable increases reflecting the size of the unit, number of tenants or guests, or services provided by the landlord.