



**PRAIRIE STATE LEGAL SERVICES**

*Equal Access to Justice*

[www.pslegal.org](http://www.pslegal.org)

Legal Help for Homeowners Project  
888-966-7757

*Last updated October 21, 2020. This is a rapidly changing situation. Please contact a lawyer for the most current information.*

*This page is for Illinois homeowners who are in foreclosure. See "[I can't pay my mortgage because of COVID-19. What are my options?](#)" for information about **forbearance**, or if you are not in foreclosure yet but cannot pay your mortgage because of COVID-19.*

The federal CARES Act provides protections for homeowners with **federally backed mortgage loans**, including FHA insured loans, USDA loans, VA loans, and loans purchased or securitized by Fannie Mae or Freddie Mac. Protections include **foreclosure moratorium** and **forbearance**. See reverse side.

### How do I know if my mortgage loan is federally backed?

- Call your servicer (the company that takes your mortgage payments)
- Check [www.knowyouroptions.com/loanlookup](http://www.knowyouroptions.com/loanlookup) (for Fannie Mae)
- Check [ww3.freddiemac.com/loanlookup](http://ww3.freddiemac.com/loanlookup) (for Freddie Mac)
- Call HUD's National Servicing Center at 877-622-8525 (for FHA insured)



**I am in foreclosure.  
How will the COVID-19 crisis  
affect my case?**

### How does the COVID-19 crisis affect the foreclosure court process?

Federal, state, and local responses to the COVID-19 crisis may delay certain steps in your foreclosure case. For more information about the foreclosure process in Illinois, see our [foreclosure timeline](#).

### How does the COVID-19 crisis affect court dates and going to court?

Many court dates originally scheduled for March, April, and May were rescheduled for June 2020 or later.

Each **local court** has adopted temporary procedures which may include remote court appearances and/or COVID-19 safety requirements. You can find information about your county here: [www.illinoiscourts.gov/Administrative/covid-19.asp](http://www.illinoiscourts.gov/Administrative/covid-19.asp)

You should receive notice of your new court date and any special procedures at the address on file with the court.

### **What about deadlines in my foreclosure case?**

Deadlines to file documents (like an answer in a foreclosure case) are not delayed statewide, but some courts may delay deadlines. Check with your local court or ask a lawyer.

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*These materials are also available in [Spanish](#).*



LEGAL SERVICES CORPORATION

## **How does the COVID-19 crisis affect my foreclosure case if I have a federally backed mortgage loan?**

Federally backed loans are currently subject to a *foreclosure moratorium* that prevents a servicer or investor (the entity that owns your loan) from taking certain steps in the foreclosure process. These moratoria were created in the CARES Act for two months starting in mid-March, 2020, and were extended separately for each type of federally backed loan through at least December 31, 2020. Each program is slightly different but all prohibit:

- **Filing a new foreclosure case** (even for homeowners who do not have a COVID-19 related hardship)
- **Holding a foreclosure sale**
- **Filing or presenting a motion to confirm sale**
- **Executing a foreclosure related eviction.**

The CARES Act also created a forbearance program for homeowners affected by COVID-19 with federally backed loans even if they were already behind or in foreclosure before COVID-19. See "[I can't pay my mortgage because of COVID-19](#)" for more information.

## **How does the COVID-19 crisis affect my foreclosure case if I don't have a federally backed mortgage loan?**

### **Can my mortgage company start a foreclosure case?**

If your mortgage loan is not federally backed, the servicer or investor can file a new foreclosure case during the COVID-19 crisis. Federal rules unrelated to the COVID-19 crisis generally prohibit foreclosure until the homeowner is least 120 days behind. Most documents must be filed electronically.

### **What about judgment and confirmation of sale?**

Court dates, including for **judgment** or **confirmation of sale**, may be scheduled or take place. See page 1 for information about how to check if any special procedures apply in your county.

### **Can my house be sold at foreclosure sale?**

For all homeowners, Illinois' Executive Orders 2020-38 (<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-38.aspx>) ordered that nonessential business and governmental functions limited by previous Executive Orders may resume activities. Therefore, in most Illinois counties, foreclosure sales may now proceed.

### **What if there is already an order confirming sale but I haven't been evicted yet?**

Evictions, including evictions for foreclosure cases, are delayed statewide through November 14, 2020 by Illinois Executive Orders 2020-30 (<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-30.aspx>) and 2020-59 (<https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-59.aspx>).

### **Are there new options to resolve my foreclosure because of the COVID-19 crisis?**

Many servicers have new options available for mortgagors. They depend on the type of your loan and some may only be available if you got behind because of a hardship related to COVID-19. For more information, contact your servicer, a HUD-certified housing counselor, or check to see if your servicer is offering any relief through [this list compiled by the American Bankers Association](#).