

DEAR VALUED CLIENT:

Please see below bulleted items relative to new regulations and practices and procedures for RAS's Pennsylvania practice:

- Pennsylvania Governor Wolf issued a directive prohibiting "gatherings" of more than twenty-five (25) people indoors and mandates remote work when possible. While this may impact sheriff's sales for more populous counties while this directive is in effect, we are not yet aware of a sheriff postponing sales based on this new prohibition.
- Allegheny County has resumed accepting mortgage foreclosure Complaints for filing so long as the plaintiff, its agent or
 its attorney executes a Certification that there is no CARES Act or other prohibition in place concerning that matter.
- The firm is submitting a letter to the President Judge of Philadelphia on behalf of the creditor's bar sitting on the Philadelphia Mortgage Foreclosure Steering Committee to advocate for Philadelphia Courts to accept mortgage foreclosure Complaints on vacant or abandoned properties. This is to align Philadelphia with the balance of the other Pennsylvania counties filing practices along with the GSE moratoria exceptions for vacant or abandoned properties.
- Attached is Philadelphia Court's Notice to the Bar regarding policies and procedures for the use of *Zoom* by counsel, clients and witnesses in civil proceedings, such as foreclosure matters. The Notice should be forwarded to your foreclosure witness teams to ensure compliance and familiarity with the procedures imposed upon the Court for civil hearings moving forward.
- Applications are now being accepted by the Pennsylvania Housing Financial Agency for the CARES Pandemic Mortgage Assistance Program (PMAP). Copies of the Pandemic Mortgage Assistance Program Fact Sheet and Program Guidelines distributed by PHFA are attached for you review. Please note that payments made by PHFA under this program are made directly to the Lender. Pursuant to the PMAP guidelines, "Lenders that have agreed to accept PMAP assistance will receive an acknowledgement with the PMAP payment indicating that processing of the check indicates the lender's agreement to apply the PMAP funds to mortgage payments only and for the designated period indicated on the itemization provided with the check and affirming that the lender releases the homeowner for whom assistance was provided of any remaining obligation for the months for which PMAP assistance was applied." Guidance should be given to your Cashiering Department relative to application of these funds.

Thank you.

Very truly yours,

David Neeren, Esquire General Counsel



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FIRST JUDICIAL DISTRICT OF PENNSYLVANIA PHILADELPHIA COURT OF COMMON PLEAS TRIAL DIVISION – CIVIL

Thursday, July 16, 2020

NOTICE TO THE CIVIL BAR

POLICIES AND PROTOCOLS FOR USE OF ADVANCED COMMUNICATION TECHNOLOGY FOR COURT PROCEEDINGS IN CIVIL MATTERS

Pursuant to paragraph 3 of Administrative Order, Amended No. 33 of 2020, dated May 21, 2020, the Court adopts the following Protocols and Policies for all proceedings in civil matters that will be held using Advanced Communication Technology:

- 1. Trial Division Civil will use Zoom video conferencing services ("Zoom") as the designated Advanced Communication Technology for certain proceedings in civil matters.
- 2. All participants counsel, clients and witnesses shall familiarize themselves with Zoom in advance of the proceeding.
- 3. When signing into Zoom, each participant shall use only their first and last name as their screen name along with an appropriate designation such as "plaintiff's counsel, plaintiff or witness. For example, a proper screen name is "Jane Doe plaintiff's counsel." The screen name cannot be an email address or nickname, e.g., southsidejohnny@gmail.com.
- 4. All participants must confirm that their computer audio is enabled and that their Internet connection is working properly and with sufficient signal strength. Where possible, participants should use a desktop computer rather than a mobile device. When using a mobile device, ensure that device is sufficiently charged and/or plugged into a power source.
- 5. Counsel shall make every effort to ensure that the witness/party can use Zoom and can view exhibits via Zoom. The camera should be positioned such that the person's entire face and shoulders are visible.

- 6. During testimony by a party or witness, no one is permitted to communicate via text or chat application or any other means with the testifying witness except by way of on the record oral questions directed toward that witness.
- 7. If counsel is muted and has an objection or requests permission to address the Court, counsel should physically raise their hands so that the Court may recognize counsel.
- 8. If during the course of the proceeding it becomes necessary for counsel to consult with a client in private, counsel may raise their hand to request to be sent to a breakout room for a short time to have a private conversation.
- 9. If a participant's video freezes and that participant is unable to restart video, the participant shall dial-in to the Zoom proceeding and use audio only.
- 10. Counsel and parties must treat the proceeding as if it were in open court so appropriate dress and decorum are required.
- 11. Counsel and parties must silence all other electronic devices.
- 12. No participant may use a virtual background without Court permission.
- 13. Participants are reminded that everyone must appear on camera during the entire hearing, whether or not they are speaking, unless the Court directs otherwise. Participants must limit or eliminate possible background distractions.
- 14. All participants must be able to review exhibits while also participating in a Zoom proceeding.
- 15. Pa. Rule of Judicial Administration No. 1910 provides that it "is unlawful and a criminal offense to use or operate a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the court or presiding judicial officer or except as provided by rules of court." The Zoom proceeding takes place in a virtual courtroom and constitutes a judicial facility. As such, any broadcasting, transmitting, video recording, audio recording, photographing, taking screenshots and/or otherwise saving or reproducing of the proceeding is strictly prohibited and is subject to penalties including contempt of court.

Honorable Jacqueline F. Allen Administrative Judge, Trial Division

Honorable Arnold L. New Supervising Judge, Trial Division – Civil

Honorable Gary S. Glazer Supervising Judge, Trial Division – Commerce

PANDEMIC MORTGAGE ASSISTANCE PROGRAM FACT SHEET

PMAP was created through funding under the CARES Act to aid in foreclosure prevention by providing emergency assistance in the form of a grant on behalf of Pennsylvania homeowners who are at least 30 days delinquent in their monthly mortgage payments. Delinquencies must be due to job loss or reduced work hours and wages as a result of the COVID-19 Pandemic. All grants are subject to the availability of funds.

WHO CAN APPLY?

- Homeowners who, as a result of COVID-19, became unemployed after 3/1/2020 or had their annual household income reduced by 30% due to reduced work hours and wages.
- Lenders on behalf of homeowners whose monthly mortgage payments are 30 days or more past due and who, as a result of COVID-19, became unemployed after 3/1/2020 or had their annual household income reduced by 30% due to reduced work hours and wages.

HOW TO APPLY?

- The acceptance period for applications starts 7/6/2020 and ends on 9/30/2020.
- Application can be made through a web-based process at https://PMAP.phfa.org or you may download an application from our website at www.phfa.org to complete and submit by mail.
- The mailing address for paper applications is PHFA/PMAP, PO Box 15530, Harrisburg, PA 17105-5530.
- Whether the application is submitted online or by mail, supporting documentation will be required. The online
 process allows a homeowner or lender to upload the necessary documentation electronically. If applying by mail,
 copies of the required documentation must be provided. For lenders applying on behalf of homeowners, there
 will need to be coordination by both parties.

ELIGIBILITY REQUIREMENTS:

- Unemployment related to COVID-19 must have occurred after March 1, 2020, or annual household income must have been reduced by 30% or more due to reduced work hours and wages related to COVID-19. Unemployment must be verified with the Department of Labor and Industry's Bureau of Unemployment Compensation;
- The subject property must be owner-occupied and located within the Commonwealth of Pennsylvania;
- The subject property must be secured by a mortgage or other security interest in cases where the property is subject to an installment sales contract or agreement;
- The dwelling must consist of one or two separate units;
- The mortgage must be at least 30 days delinquent and due between March 2020 and December 2020. Only mortgages in a first or second lien position are eligible;
- Homeowners must hold legal title or equitable title. In an effort to assist families with tangled titles and
 intergenerational family homes, as well as applicants with an installment sales contract or agreement, equitable
 owners, who are not the sole record owner or mortgagor, may be eligible; and
- Annual household income must not exceed the Area Median Income for the county of residence (adjusted for the number of people in the household). To find the area median income by county, go to https://www.huduser.gov/portal/datasets/il.html. Select 2020 as the year and choose "Click Here for FY 20 IL Documentation" to view the income limit per household size. Because the allowance is for the "upper limit", use the 50% amount and double it to get the amount needed to compare with the annualized current income. The grant cannot be provided if annualized current income exceeds that 100% median income amount.



PANDEMIC MORTGAGE ASSISTANCE PROGRAM FACT SHEET

ASSISTANCE TO BE PROVIDED:

- Assistance is capped at \$1,000 per month for a maximum period of six months per mortgage for mortgages in a
 first or second lien position;
- Only payments due between March 2020 and December 2020 are eligible for assistance;
- Payment will be made directly to the lender;
- Assistance may be provided as a one-time payment (non-continuing) or as an initial payment in addition to assistance for future mortgage payments not to exceed a total of 6 months (continuing) per mortgage.
- If a lender applies on behalf of a homeowner, the homeowner must work with the lender and provide authorization and the required application documentation.



The Pennsylvania Housing Finance Agency (Agency) hereby provides notice of the Pandemic Mortgage Assistance Program (PMAP or Program). PMAP was established pursuant to Act 24 of 2020 (act). The act establishes the Program to be administered by the Agency for the purpose of providing emergency mortgage assistance on behalf of homeowners who are delinquent in their mortgage payments and who have experienced job loss or reduced income as a result of the COVID-19 pandemic. Assistance shall be made available in the form of a grant and funds will be paid directly to lenders. The provision of assistance shall, at all times, remain subject to the availability of funding.

This notice describes the eligibility criteria, as well as the application submission and evaluation process. In addition, this notice identifies the Program timelines applicable to application submission and funding disbursement. Applications are available on the Agency's website at www.phfa.org. The Agency will accept PMAP applications beginning July 6, 2020, until September 30, 2020.

The guidance contained herein supersedes any previously published Pandemic Mortgage Assistance Program Guidelines.

PROGRAM OBJECTIVE

The purpose of PMAP is to aid in foreclosure prevention by providing emergency assistance in the form of a grant on behalf of Pennsylvania homeowners who are delinquent in their monthly mortgage payments due to job loss or reduced work hours and wages as a result of the COVID-19 pandemic.

DEFINITIONS

The following words and terms shall have the following meanings.

"Applicant." A homeowner or a lender applying on behalf of a homeowner.

"Homeowner." The owner-occupant of a dwelling consisting of one or two separate units who became unemployed after March 1, 2020, due to the COVID-19 pandemic, or who is experiencing a 30% or more reduction in annual household income due to reduced work hours or wages as a result of the COVID-19 pandemic. This term is interchangeable with the term "mortgagor".

"Income." Income will include compensation for services, including fees, commissions, fringe benefits, and similar items. Income will also include all gross income derived from businesses.

"Installment sales contract or agreement." An agreement or contract under which the seller of residential real property conveys ownership of or an equitable interest in real estate which constitutes the principal residence of the buyer wherein the seller finances the purchase by the buyer through contract, agreement, note or other security interest, if that contract or agreement does not constitute a default under the terms of a pre-existing mortgage between the seller and the seller's mortgagee.

"Lender." A mortgagee whose debt is secured by a first or second mortgage on the property of a homeowner. This term is interchangeable with the term "mortgagee."

"Mortgage." A lien, other than a judgment, on a fee simple or leasehold interest in real property which constitutes the principal residence of the homeowner, located in this Commonwealth together with credit instruments secured



thereby. The term includes an installment sales agreement or installment sales contract. The term also includes an obligation evidenced by a security lien on real property upon which an owner-occupied mobile home is located.

"Mortgagee." A lender whose debt is secured by a first or second mortgage on the property of a homeowner. This term is interchangeable with the term "lender."

"Mortgagor." The owner-occupant of a dwelling consisting of one or two separate units who became unemployed after March 1, 2020, due to the COVID-19 pandemic, or who is experiencing a 30% or more reduction in annual household income due to reduced work hours or wages as a result of the COVID-19 pandemic. This term is interchangeable with the term "homeowner."

"Unemployed." The meaning as set forth in the act of December 5, 1936 (P.L. 2897, No. 1), known as the Unemployment Compensation Law.

LIMITATION ON ASSISTANCE

- (a) Total funds available. A total of \$25 million is available under PMAP. The issuance of PMAP assistance shall at all times be subject to the availability of funding.
- (b) Covered timeframe. PMAP assistance may be available to eligible applicants to cover mortgage payments due between March 2020 and December 2020 on homeowners' first and second mortgages. Assistance may be provided on a first and second mortgage only, subject to all other eligibility criteria.
- (c) Types of assistance. Assistance will be provided in the form of a grant, with no repayment terms and may be approved on either a continuing or non-continuing basis depending on the homeowner's current employment or income status at the time of application.
- (d) Assistance cap and applicability.
 - (1) Assistance is limited to a maximum of \$1,000 per month, per mortgage for up to six months of mortgage payments for mortgage payments due between March 2020 and December 2020. Assistance is available for a first and second mortgage on the property of an eligible homeowner, subject to all other eligibility criteria.
 - (2) Applicants may be eligible for assistance when the monthly mortgage payment exceeds \$1,000; however, PMAP may only provide up to the maximum amount of assistance of \$1,000 per month, per mortgage. Lenders accepting PMAP on behalf of any homeowner must agree to release the homeowner from any remaining obligation for any past due or future mortgage payment for which PMAP assistance is provided.
 - (3) PMAP assistance may not be applied to mortgage payments included in an active forbearance.
 - (4) Assistance will include payment of the monthly amortized mortgage payment only and may not be applied to late charges, legal fees, property inspections, or any other fees owed to the mortgagee before, during or after the covered timeframe.



ELIGIBILITY FOR ASSISTANCE

- (a) A property must be all of the following:
 - (1) An owner-occupied dwelling consisting of one or two separate units; and
 - (2) Secured by a mortgage or other security interest in cases where the property is subject to an installment sales contract or agreement; and
 - (3) Located in the Commonwealth of Pennsylvania.
- (b) Assistance may be provided on behalf of a homeowner or to a lender applying on behalf of a homeowner when the following eligibility criteria have been demonstrated:
 - (1) The homeowner(s) must have become unemployed after March 1, 2020, or had their annual household income reduced by 30% or more due to reduced work hours and wages as a result of the COVID-19 pandemic. A homeowner who became unemployed after March 1, 2020, must be verified with the Department of Labor and Industry's Bureau of Unemployment Compensation.
 - (2) The homeowner(s) must have an annualized current income of no more than the upper limit of "median income" as defined in guidelines published annually by the United States Department of Housing and Urban Development. Applicants may find the Area Median Income for a specific county by visiting https://www.huduser.gov/portal/datasets/il.html.
 - (3) The homeowner(s) must hold legal or equitable title. In an effort to assist families with tangled titles and intergenerational family homes, as well as applicants with an installment sales contract or agreement, equitable owners, who are not the sole record owner or mortgagor, may be eligible.
 - (4) Mortgage payments for which assistance is requested must be at least 30 days delinquent and due between March 2020 and December 2020.
 - (5) The mortgage(s) for which assistance is requested must be a first or second mortgage on the property.

APPLICATION AND REVIEW PROCESS

- (a) Application process. Applicants will be able to apply through a web-based application at https://PMAP.phfa.org or by mail utilizing a printable application, which is available on the Agency's website at www.phfa.org. The completed application, with all required supporting documentation may be mailed directly to PHFA. Applicants may submit applications beginning July 6, 2020, until September 30, 2020. All owners of a property for which assistance is sought must complete and execute the application; however, a homeowner may be eligible if a co-owner is absent, unable or unwilling to complete the application. In addition to completing the application, to be eligible for assistance, an applicant must provide all of the requested documentation as applicable. The following must be included with the submitted application.
 - (1) Required Documentation. In addition to other documentation, as may be required by the Agency, the required supporting documentation shall consist of the following:
 - (i) A copy of any Act 6 Notice of Intent to Foreclose or Act 91 Notice if the homeowner has received such documentation. If the Act 6 Notice or Act 91 Notice is outdated, the applicant must provide a current notice that reflects the months and amounts owed on the mortgage for which assistance is sought.
 - (ii) If the homeowner has not received either an Act 6 Notice of Intent to Foreclose or an Act 91 Notice, the applicant must provide the most recent mortgage statement or a Reinstatement Quote from the lender verifying that the homeowner's monthly mortgage payments are at least 30 days delinquent.
 - (iii) Verification of homeowner's household income from January 2020 to the date of the application in order for



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the Agency to assess the pre-pandemic level and post-pandemic level of income so that a determination can be made as to whether there has been a 30% reduction in income.

- (2) Required Attestation and Certification.
 - (i) Homeowner attestation and certification. In addition to certifying that the information provided on the application is accurate, the homeowner must certify that such homeowner, if approved for PMAP assistance, will not accept additional mortgage assistance for any mortgage payment amounts for which PMAP assistance has been provided.
 - (ii) Lender attestation and certification. In addition to certifying that the information provided in the application is accurate, any lender that applies for or receives PMAP on behalf of any homeowner must agree to apply the PMAP funds to mortgage payments only and for the designated period, as approved by the Agency. The lender must also attest that the lender releases the homeowner of any remaining obligation for any past due or future mortgage payment for which the Agency pays the lender.
- (b) Application Review. The Agency will review complete applications to determine fulfillment of the eligibility criteria. As part of the application review, for homeowners who were unemployed, the Agency shall verify homeowners' names with the Department of Labor and Industry's Bureau of Unemployment Compensation to ensure the homeowner became unemployed after March 1, 2020. Applicants must notify the Agency in writing of any changes in income or residence of the homeowner during the timeframe that the application for assistance is pending.
- (c) Disbursement timeframe. All approved PMAP assistance, subject to the availability of funding, will be disbursed no later than November 30, 2020.

NOTICE OF DETERMINATION

- (a) Within 60 days of receipt of a completed application, the Agency will provide written notice of its determination regarding eligibility.
 - (1) If the application for assistance is approved, an approval letter will be issued to the homeowner and each lender to which assistance funds will be provided.
 - (i) Applicants will be notified of the amount of assistance to be disbursed on the homeowner's behalf.
 - (ii) A PMAP Verification Form will be sent with the lender copy of the approval letter, which will request an updated verification of the months and amounts due on the mortgage. The PMAP Verification Form must be completed by the lender and returned to the Agency.
 - (2) If the application for assistance is denied, a denial letter will be issued to the homeowner. The denial letter will provide the reason for the denial.

ACKNOWLEDGEMENT

(a) Homeowner acknowledgement. If approved, all homeowners will be required to sign an acknowledgement regardless of whether assistance is approved as either continuing or non-continuing. Any homeowner approved for PMAP assistance must agree to certain terms, including but not limited to, notifying the Agency in writing of any changes in income or residence during the period that PMAP assistance is being issued and that the homeowner(s) have not and will not accept any other mortgage assistance from any other local, state or federal program for the same amounts and time periods covered by any PMAP assistance paid by PHFA.



(b) Lender acknowledgment. Lenders that have agreed to accept PMAP assistance will receive an acknowledgment with the PMAP payment indicating that processing of the check indicates the lender's agreement to apply the PMAP funds to mortgage payments only and for the designated period indicated on the itemization provided with the check and affirming that the lender releases the homeowner for whom assistance was provided of any remaining obligation for the months for which PMAP assistance was applied.

Date: June 22, 2020 ROBIN L. WIESSMANN

Executive Director & Chief Executive Officer

