

Insights

Indiana Moratorium on Residential Property Evictions and Mortgage Foreclosures Will Continue Through the End of July 2020

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On June 30, 2020, Indiana Governor Holcomb issued Executive Order 20-33, extending his March 6th Executive Order (Executive Order 20-02). Of special importance for lenders, Executive Order 20-33 extended the prohibition on residential property evictions and mortgage foreclosures to July 31, 2020. It must be highlighted that the Governor's most recent Executive Order does not affect the federal "Foreclosure and Eviction Moratorium in Connection with the Presidentially-Declared COVID-19 National Emergency," which places a moratorium on foreclosures for all FHA-insured single family mortgages through August 31st.

There are exceptions to the Governor's prohibition which allow for residential evictions and foreclosures under certain circumstances. Namely, emergency evictions are allowed pursuant to Indiana Code §32-31-6, which allows evictions for specific immediate and serious injury, or loss or damage to property. Similarly, foreclosures on vacant or abandoned property and for properties where there is a specific immediate and serious injury, loss or damage can proceed (subject to restrictions set by federal law).

Takeaway: the Indiana moratorium on residential property evictions and mortgage foreclosures will continue through the end of July 2020.

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