



Spring 2020

Winston-Salem City Council

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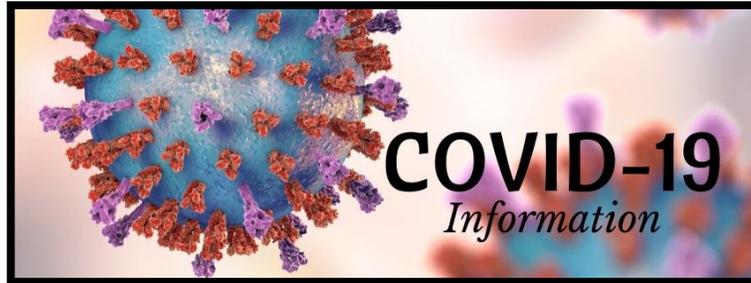
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Adolfo Briceño

If you have any suggestions for a featured service or program, please contact Adolfo Briceño, Human Relations Specialist, at 336.734.1225.



Fair Housing Protections and Covid-19

By Adolfo Briceño

On March 17, 2020, the US Department of Housing and Urban Development (HUD) issued guidance to enforcement agencies across the country, regarding monitoring Covid-19 and it's effect on potential discriminatory acts in housing.

As per HUD's guidance: "The spread of COVID-19 has serious potential to adversely impact the fair housing and civil rights of individuals, particularly on the bases of race, national origin, and/or disability. For example, housing providers may refuse to negotiate with persons that the housing provider perceives, on the basis of race or national origin, to be associated with an area where a COVID-19 outbreak is prevalent. HUD also recognizes that persons with disabilities, including persons who live in institutional settings or older persons who have impairments that put them at higher risk for infection, may face unique issues that have fair housing and civil rights implications."

So, if a tenant believes his or her application was denied or that he or she was asked to vacate because of the perception or fear of contracting COVID-19, then that could potentially be a discriminatory action under the Fair Housing Act. A complaint can be filed with the City of Winston-Salem Human Relations Department.

COVID-19 Mortgage Forbearances

By Adolfo Briceño

On April 1st, 2020 the US Housing and Urban Development Agency (HUD) issued new guidance to banks and lenders to accept a series of mortgage relief options for homeowners who are still making monthly payments on their homes. The guidance is called FHA's Loss Mitigation Option for Single Family Borrowers, affected by the Presidentially-Declared COVID-19 National Emergency in Accordance with the Coronavirus Aid, Relief, and Economic Security (CARES) Act.: <https://www.hud.gov/sites/dfiles/OCHCO/documents/20-06hnsngml.pdf>

In essence, the guidance instructs banks and lending institutions to accept forbearance requests from mortgage holders if they meet program requirements, such as being current or fewer than 30 days past due on their payments and the home is owner occupied. The forbearance extension period is set to expire on October 31, 2020 (in approximately six months), but it could be extended for another six months at the borrower's request, although a second forbearance period would have to be approved by HUD.

The guidance explained that HUD created the program because HUD anticipated that the financial impacts of COVID-19, also known as the coronavirus, on many borrowers will include a combination of wage reductions, job losses or



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interruptions, and the inability to work for a variety of reasons, such as lack of telework options or lack of childcare, in addition to the potential impact of contracting COVID-19.

According to the document, the mortgage provider may use any available methods for communicating with a borrower regarding a forbearance to meet these requirements. Acceptable methods of communication include, but are not limited to, emails, fax, text, fax, teleconferencing, websites, or sending general communication advising borrowers that forbearance is granted, provided the borrower emails a request or calls the mortgage provider.

The mortgage provider must waive all late charges, fees and penalties, if any, as long as the borrower is on a forbearance plan. All private contractual rights and obligations remain unaffected by this forbearance letter. Any borrower who is granted a “forbearance for borrowers affected by the COVID-19 National Emergency”, and is otherwise performing as agreed is not considered to be delinquent for purposes of credit reporting.

COVID-19 USCIS Immigration Services

By Adolfo Briceno

The U.S. Citizenship and Immigration Services (USCIS) has made several adjustments to its normal operating procedures to protect the public and its employees and comply with the federal guidelines that have been issued regarding the Covid-19 pandemic.

On March 14, 2020, USCIS suspended all face-to-face interactions with the public at least until May 4, 2020, when the offices of this federal agency were scheduled to reopen, unless there was another notice to extend the closure.

This order included interviews, naturalization and biometric collection appointments. During this time, only emergency services would be considered through the USCIS Contact Center, but even these requests would be handled remotely.

On March 30, 2020 to be in compliance with the previous order, the USCIS also announced that it would reuse all previously taken biometrics to process Form I-765, Application for Employment Authorization. All those who applied for the renewal of this form on March 18, 2020, or before, their previous biometrics would be used since the offices were closed to the public.

Also, on March 30, 2020, the USCIS adopted measures to assist applicants and petitioners who are responding to certain Requests for Evidence (RFE) and Notices of Intent to Deny (NOID). This message clarifies that this flexibility also applies to certain Notices of Intent to Revoke (NOIR) and Notices of Intent to Terminate (NOIT) regional investment centers, as well as certain filing date requirements for Form I-290B, Notice of Appeal or Motion.

Any response to an RFE, NOID, NOIR, or NOIT received within 60 calendar days after the response due date set in the request or notice will be considered by USCIS before any action is taken. Any Form I-290B received up to 60 calendar days

from the date of the decision will be considered by USCIS before it takes any action.

On April 13, 2020, the Department of Homeland Security (DHS) also issued new guidance to extend the lawful stay of foreigners who cannot return to their countries of origin because of the Covid-19 pandemic. To mitigate the immigration consequences of Covid-19, nonimmigrants could file on-line an application for extension to stay (EOS) or change in status (COS). Also, where applicable, employment authorization with the same employer, subject to the same terms and conditions of the prior approval, is automatically extended for up to 240 days after I-94 expiration when an extension of stay request is filed on time.

When considering these petitions USCIS, in its discretion, may excuse the failure to file on time if it was due to extraordinary circumstances beyond their control, such as those that may be caused by COVID-19. The length of delay must be commensurate with the circumstances. The petitioner or applicant must submit credible evidence to support their request, which USCIS will evaluate on a case-by-case basis. These special situations have been used at various times in the past, including for natural disasters and similar crises.

NC Eviction Moratorium

By Adolfo Briceno

On March 19, 2020 Roy Cooper, North Carolina Governor, in conjunction with the Attorney General, issued executive order EO124 by which, in accordance with the Chief Justice of the North Carolina Supreme Court, prohibited evictions in the state until April 17, 2020.

In the document, the Clerks of Superior Court were asked not to issue Writs of Possession until April 17, 2020 or further notice. It also encouraged sheriff departments to delay the execution of any Writs of Possession of Personal Property that have already been issued, but not yet served, at least until the said date.

And finally, all property owners were also asked to implement payment plans for their tenants and avoid evictions. It also encouraged them to cancel pending evictions by getting in touch with the sheriff's office. The document also suggested financial institutions to provide loan payment flexibilities that enable property owners to avoid evictions of tenants in light of the coronavirus state emergency issued in North Carolina. This means that, in effect, Clerks of Court will not accept summary ejectments filings until June 2, 2020.

The fact that landlords will not be able to evict any individuals until sometime in June (for the time being) does not mean that rent will be waived or pardoned. Renters will still have to honor their monthly commitment with their landlords, so it is advisable to arrange a payment plan, if they know they will not be able to pay rent in full, to try to avoid the possibility of eviction once these filings are permitted in court again.

