

Stewart – Massachusetts Mid-Week Update – July 8, 2020

Dear Stewart Partners,

We hope you all had a nice Holiday weekend and were able to spend some time with family and friends. There are just a few things we wanted to share with you in this mid-week update, which include links to the Supreme Court's decision on the constitutionality of the CFPB, changes to the PACER site, cyber-fraud training and education videos, and updates on the foreclosure front.

- *US Supreme Court Rules CFPB Unconstitutional, But Agency Remains Intact*

The Supreme Court, by a 5-4 decision, held that the CFPB was unconstitutional, but because the constitutional defect could be remedied with a change in the agency's structure, the work of the CFPB will continue without interruption. The structural defect related to the concentration of power in one person without presidential oversight. The court held that this power structure violated the separation of powers clause of the Constitution. The remedy the defect, the court held that the director must be removable at will by the president. To view the decision, click this link: https://www.supremecourt.gov/opinions/19pdf/19-7_n6io.pdf

- *PACER – update to the log-in portal*

PACER has changed its look and URL. The URL for the main PACER site has been changed to <https://pacer.uscourts.gov>, but you can still shortcut directly to the bankruptcy or district court pages. As noted in Lawyer's Weekly, June 28, 2020, the new features include:

- mobile friendly design;
- new tool to search for court-specific information;
- interactive format to search frequently asked questions;
- optimized search engine to improve content findability;
- JSON and XML feeds of court-specific information; and
- new accessibility tools.

Also, two PACER applications — Manage My Account and Registration — have new designs to create an improved user experience. Questions or comments regarding the updates to the PACER website or service can be emailed to the PACER Service Center at pacer@psc.uscourts.gov.

- *Stewart's YouTube Page – Dangerous Waters Series*

Cyber-attacks are on the increase as hackers take advantage of the COVID-19 pandemic. Add this to a surprisingly busy summer for real estate conveyancers, and the result is a prime season for potential attacks. That makes now the perfect time for you and your staff to refresh your knowledge on cybersecurity topics such as Social Engineering, Phishing, Spoofing, Malware, Wire Fraud and more. Stewart's Chief Information Security Officer, Genady Vishnevetsky, has put together a great video series: Dangerous Waters. The videos are a great tool both when onboarding new staff and providing refresher training for your team. The series is made up of 12 videos running between 1 and 3 minutes each. Check them out here:

<https://www.youtube.com/playlist?list=PLKDndFknrPKpxOZc-EbM86ZiFBacdYRiW>

- *Foreclosures/Evictions – Moratoriums, Extensions, Auctions – OH MY!*

As you all know, the COVID-19 pandemic has made closing on any foreclosed property very challenging. Unfortunately, those difficulties are not yet over. First, the federal foreclosure and eviction moratoriums have all been extended through **August 31, 2020**. These moratoriums don't apply to every mortgage, but cover most consumer (non-commercial) mortgages. Specifically included are:

- Veterans Administration (VA Loans)
- US Department of Agriculture (USDA loans)
- Freddie Mac (FHLMC loans)
- Fannie Mae (FNMA loans)
- Federal Housing Administration (FHA and HECM (reverse mortgage) loans)

Second, the legislation enacted in Massachusetts prohibiting foreclosures of certain mortgage loans and evictions is still in effect, and while it's currently scheduled to expire on August 18, 2020, the Act gives the Governor the ability to unilaterally postpone the expiration date. To view the legislation, click here:

<https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter65>. To view FAQ's about the legislation, click here: <https://www.mass.gov/doc/chapter-65-dob-faq/download>

Third, as we moved into Phase 3 of the Massachusetts re-opening plan, in all communities except Boston, the ban restricting outdoor gatherings to 10 people has been lifted with certain conditions. Specifically, outdoor gatherings are permitted so long as individuals can maintain a 6-foot distance from each other and wear masks. For Boston, the ban will be lifted on July 13. This may allow some foreclosure auctions to proceed, specifically those not subject to any moratorium. Please note, however, there may still be impediments to insurability. We are also aware that some Registries of Deeds are refusing to record foreclosure documents (or requiring additional affidavits in order to record), and so you should not issue a policy of title insurance unless and until the foreclosure documents have been recorded or filed, as applicable. Please contact your Stewart underwriting counsel prior to insuring any property out of foreclosure, even if the foreclosure auction occurred prior to the COVID-19 pandemic.

- *Stewart Underwriting Upcoming Webinars*

We've got two upcoming webinars:

- No Stress Distressed Properties on **August 5, 2020 at 10 AM**
- Probate Perils and Perfecting Title on **September 16, 2020 at 10 AM**

To register follow this link:

<https://www.stewart.com/content/dam/stewart/Microsites/massachusetts/pdfs/Summer-2020-Series-Invitation-Form-6-17.pdf>

- *Stewart's Massachusetts COVID-19 Resource Page*
Please view our resource page which contains all the local information relative to underwriting guidance, affidavits, registry closures and frequently asked questions. This site will be updated regularly. To access click [HERE](#) and make it a favorite on your web-browser. You can also copy the following URL and paste it into your web browser: <https://www.stewart.com/content/stewart/stewartcom/en/stg/massachusetts/underwriting-resources/forms-policy-information/covid-19-info-resources.html>

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