
Foreclosures: Extension of the eviction moratorium

March 17, 2020



Royal Decree-Law 6/2020 of March 10, adopting urgent economic and public health protection measures (“RDL 6/2020”) establishes a set of urgent economic and public health measures, including the extension of the eviction moratorium provided in Law /2013 of May 14, on measures to reinforce the protection of mortgage debtors and restructure debt and social rent (“Law 1/2013”), to reinforce the protection of mortgage debtors who are in a specially vulnerable situation.



Extension of the eviction moratorium established in Law 1/2013

The eviction moratorium for especially vulnerable families from their primary residence under Law 1/2013 is extended as an exceptional and temporary measure to protect especially vulnerable mortgage debtors.

The moratorium started with the coming into force of Royal Decree-Law 27/2012 of November 15 and, since then, it has been extended by successive regulations.

The scope of application of the measure has also been extended. We highlight that, until now, this measure affected any judicial or non-judicial foreclosure in which **the creditor, or the person acting on its behalf**, had been awarded the primary residence of people in vulnerable positions and met the financial requirements established in the regulation (which have been amended, as explained below). RDL 6/2020 establishes that the primary residence can be awarded to the creditor **or to any other individual or legal person**.

Consequently, in all instances of awarding of the primary residence of debtors protected by Law 1/2013, eviction will not be possible while the moratorium is in force, and only once it has been lifted will eviction be possible under article 675 and concordant articles of the Spanish Civil Procedure Act (*Ley de Enjuiciamiento Civil*).

RDL 6/2010 came into force on March 12, 2020.

Other aspects of the law

RDL 6/2010 expands the group that benefits from the suspension of foreclosures by including single-parent families with one dependent child in the special vulnerability group established by Law 2/2013.

Furthermore, the law increases the family unit's maximum income threshold to establish vulnerability in terms of the public multiple-effect income indicator (IPREM) based on the number of children and whether the family is a single-parent family. The maximum income threshold established by the law will be increased 0.15 times the IPREM per child for single-parent families, and by 0.10 times the IPREM per child for other families.



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