

**HOUSE . . . . . No. 5181**

Sections 79, 80, 88 and 103 contained in the engrossed Bill making appropriations for the fiscal year 2021 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (see House, No. 5164), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 5190). December 14, 2020.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act providing for eviction protections during the COVID-19 pandemic emergency.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for eviction protections during the COVID-19 pandemic emergency, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety, health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. (a) Notwithstanding section 11 or section 12 of chapter 186 of the General  
2 Laws, chapter 239 of the General Laws or any other general or special law to the contrary, on  
3 and after the effective date of this act until the termination of the state of emergency concerning  
4 the outbreak of COVID-19 as declared by the governor on March 10, 2020, a notice to quit for  
5 nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section  
6 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall include, but  
7 not be limited to: (i) an attestation as to whether the tenant provided a declaration form pursuant  
8 to the federal Centers for Disease Control and Prevention order entitled “Temporary Halt in

9 Residential Evictions to Prevent the Further Spread of COVID-19”; (ii) an attestation as to  
10 whether the dwelling unit is a covered dwelling under section 4024(a)(1) of the federal  
11 Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, and whether the notice to  
12 quit is in compliance with section 4024(c) of said act; (iii) documentation of any agreements  
13 between the tenant and landlord for the tenant to repay the landlord for non-payment of rent; and  
14 (iv) information on: (A) rental assistance programs including, but not limited to, the residential  
15 assistance for families in transition program and the emergency rental and mortgage assistance  
16 program; (B) applicable trial court rules, standing orders or emergency administrative orders  
17 pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions  
18 on residential evictions. The form shall also prominently display the following statement:

19 “THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO  
20 IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING  
21 IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER  
22 CAN FORCE YOU TO LEAVE YOUR UNIT.”

23 The executive office of housing and economic development shall develop the form  
24 required under this subsection and make it publicly available on its website not later than  
25 December 18, 2020. The information in clause (iv) shall be made available in the 5 most  
26 common languages in the commonwealth, in addition to English. On or after December 18,  
27 2020, a court having jurisdiction over an action for summary process pursuant to said chapter  
28 239, including the Boston municipal court department, shall not, in an eviction for nonpayment  
29 of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without  
30 proof of delivery of the form required under this subsection.

31 (b) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws or any  
32 other general or special law to the contrary, from the passage of this act until the termination of  
33 the state of emergency concerning the outbreak of the novel coronavirus disease, also known as  
34 COVID-19, declared by the governor on March 10, 2020, a landlord shall send electronically a  
35 copy of any notice to quit for nonpayment of rent given in writing by the landlord to a residential  
36 tenant pursuant to said section 11 or said section 12 of said chapter 186 to the executive office of  
37 housing and economic development; provided, however, that personal identifying information in  
38 notices to quit received by the executive office of housing and economic development shall not  
39 be a public record as defined by clause Twenty-sixth of section 7 of chapter 4 of the General  
40 Laws or chapter 66 of the General Laws. The executive office of housing and economic  
41 development shall keep any personal identifying information in a notice to quit confidential;  
42 provided, however, that the executive office of housing and economic development may share  
43 such information with the individuals named in the notice to quit, the landlord or, to the extent  
44 permitted under federal law, a regional administering agency or housing consumer education  
45 center for the purposes of providing housing stability resources to tenants at risk of eviction.

46 (c) The executive office of housing and economic development shall issue emergency  
47 regulations as necessary to implement this section.

48 SECTION 2. (a) As used in this section, the following words shall have the following  
49 meanings unless the context clearly requires otherwise:

50 “COVID-19 emergency”, the state of emergency concerning the outbreak of COVID-19  
51 as declared by the governor on March 10, 2020.

52           “Short-term emergency rental assistance”, temporary financial assistance provided to a  
53 residential tenant to prevent an eviction or homelessness under the residential assistance for  
54 families in transition program, the emergency rental and mortgage assistance program or any  
55 other program established or modified as a result of the COVID-19 emergency and administered  
56 by the department of housing and community development, a municipality or a nonprofit entity  
57 administering such program, using public funds, on behalf of the department, a municipality or a  
58 federal agency to cure rent arrearage or provide financial assistance for moving cost assistance,  
59 including the payment of a security deposit.

60           (b) Notwithstanding chapter 239 of the General Laws or any other general or special law,  
61 rule, regulation or order to the contrary, during the COVID-19 emergency, a court having  
62 jurisdiction over an action for summary process under said chapter 239, including the Boston  
63 municipal court department, shall grant a continuance for a period as the court may deem just  
64 and reasonable if, either at the time the answer is timely filed or on the date the trial is scheduled  
65 to commence: (i) the tenancy is being terminated solely for non-payment of rent for a residential  
66 dwelling unit; (ii) the non-payment of rent was due to a financial hardship related to or  
67 exacerbated by the COVID-19 emergency; and (iii) the defendant demonstrates, to the  
68 satisfaction of the court, a pending application for short-term emergency rental assistance;  
69 provided, however, notwithstanding this subsection, the court may consider any meritorious  
70 counterclaim brought in said action for summary process; provided further, that the court shall  
71 issue a stay of execution on a judgment for possession if the requirements in clauses (i) to (iii),  
72 inclusive, are met; and provided further, that the court shall not enter a judgment or issue an  
73 execution before the application has been approved or denied.

74 (c) Notwithstanding any general or special law to the contrary, not later than the fifteenth  
75 day of each month during the COVID-19 emergency, the executive office of the trial court shall  
76 submit a report for the previous month to the clerks of the senate and house of representatives,  
77 the senate and house committees on ways and means, the joint committee on housing and the  
78 joint committee on the judiciary that shall include, but not be limited to: (i) the number of actions  
79 for summary process entered and filed with each court having jurisdiction over an action for  
80 summary process; (ii) the number of default judgments entered, delineated by the reason for the  
81 summary process filing; (iii) the number of execution for possession orders granted, delineated  
82 by the reason for the summary process filing; (iv) the number of continuances requested and  
83 granted due to pending applications for short-term emergency rental assistance pursuant to  
84 subsection (b); (v) the number of stays issued due to pending applications for short-term  
85 emergency rental assistance pursuant to subsection (b); (vi) the average length of a continuance  
86 and stay granted under said subsection (b); (vii) the number of stays requested, granted or denied  
87 pursuant to sections 9 and 10 of chapter 239 of the General Laws; (viii) the number of landlords  
88 and tenants participating in pre-trial mediation and, to the extent practicable, the outcome of each  
89 mediation; (ix) the number of landlords and tenants receiving legal representation and legal  
90 services through on-site court diversion and support resources; and (x) any other relevant  
91 information as the trial court may decide.

92 SECTION 3. Notwithstanding any general or special law to the contrary, on or before  
93 the fifteenth day of each month, during the COVID-19 emergency, the department of housing  
94 and community development shall submit a report to the house and senate committees on ways  
95 and means and the joint committee on housing, detailing the activities of the governor's COVID-  
96 19 eviction diversion initiative from the prior month. The report shall include a breakdown of

97 each rental and housing assistance program, including, but not limited to: (a) the expansion of  
98 the residential assistance for families in transition program, which shall include: (i) the number  
99 of households who applied for assistance; (ii) the number of households approved for assistance;  
100 (iii) the number of households denied assistance and reason for such denial; (iv) the minimum,  
101 median and average amount of financial assistance awarded; (v) the average number of days  
102 between the submission of an application and its approval or denial; (vi) the number of landlords  
103 who applied for assistance on behalf of tenants; and (vii) a breakdown of how assistance was  
104 utilized by each household receiving assistance, including, but not limited to, curing rental  
105 arrears, moving expenses, security deposit, first and last month's rent or other purposes; (b) the  
106 emergency rental and mortgage assistance program, which shall include: (i) the number of  
107 households who applied for assistance, delineated by rental assistance and mortgage assistance;  
108 (ii) the number of households approved for assistance, delineated by rental assistance and  
109 mortgage assistance; (iii) the number of households denied assistance and reason for such denial;  
110 (iv) the minimum, median and average amount of financial assistance awarded; (v) the average  
111 number of days between the submission of an application and its approval or denial; and (vi) a  
112 breakdown of how assistance was utilized by each household receiving assistance, including, but  
113 not limited to, curing rental arrears, curing mortgage arrears, moving expenses, security deposit,  
114 first and last month's rent or other purposes; (c) the expansion of the housing consumer  
115 education centers, which shall include: (i) the number of households served, including number of  
116 households served by geographic area; and (ii) the number of special services coordinators  
117 assigned to each site; (d) rapid rehousing assistance through the HomeBase program, the  
118 Strategic Prevention Initiative and any other temporary program established to assist in rapid  
119 rehousing of families and individuals which shall include: (i) the number of households receiving

120 assistance; (ii) the type of assistance given; and (iii) the average amount provided to each  
121 household receiving assistance; (e) the expansion of the tenancy preservation program which  
122 shall include: (i) the number of households served; (ii) the number of trained staff; and (iii) the  
123 number of applications filed; and (f) any other relevant information as the department may  
124 decide. The report shall also include the number of notices to quit received by the executive  
125 office of housing and economic development under section 1.

126 SECTION 4. For the purposes of this section, “COVID-19 emergency” shall mean the  
127 state of emergency concerning the novel coronavirus disease outbreak declared by the governor  
128 on March 10, 2020.

129 From the passage of this act until 45 days after the termination of the COVID-19  
130 emergency, there shall be a task force on the COVID-19 eviction diversion initiative. The task  
131 force shall track the initiative’s outcomes and make recommendations on how to improve its  
132 effectiveness, efficiency and reach.

133 The task force shall make recommendations relative to all aspects of the COVID-19  
134 eviction diversion initiative including, but not limited to, the administration and accessibility of:  
135 (i) Mass211 Inc. services; (ii) intakes and referrals by housing consumer education centers; (iii)  
136 short-term emergency rental assistance programs including, but not limited to, the rental  
137 assistance for families in transition program and the emergency rental and mortgage assistance  
138 program; (iv) the upstream tenancy preservation program; (v) community mediation; (vi) legal  
139 representation and related services; (vii) the HomeBASE household assistance program; (viii)  
140 the strategic prevention initiative; and (ix) the eviction process in the trial court of the

141 commonwealth. The task force may also propose new initiatives to supplement existing  
142 programs intended to prevent evictions or homelessness during the COVID-19 emergency.

143         The task force shall consist of the following persons or their designees: the chairs of the  
144 joint committee on housing, who shall serve as co-chairs; the secretary of housing and economic  
145 development; the chief justice of the trial court; the chief justice of the housing court department;  
146 and 8 persons appointed by the governor, 4 of whom shall represent organizations dedicated to  
147 preserving residential tenancies or housing low or moderate income households and 4 of whom  
148 shall represent landlords or real estate organizations. The task force shall consult with other  
149 individuals with relevant expertise, including academics, researchers and housing stability  
150 service providers, as needed.

151         The task force shall meet as frequently as the co-chairs deem necessary, but not less than  
152 once a month. Not later than January 31, 2021, and as frequently as the co-chairs deem necessary  
153 thereafter, the task force shall submit a report of its findings and recommendations, together with  
154 drafts of any legislation necessary to carry its recommendations into effect, by filing the same  
155 with the clerks of the senate and house of representatives and the house and senate committees  
156 on ways and means; provided, however, that the task force may submit interim reports and  
157 recommendations at any time.