

HOUSE No. 4615

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 2, 2020.

The committee on Ways and Means, to whom was referred the Bill relative to housing service coordinators (House, No. 1279), reports, recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4615).

For the committee,

AARON MICHLEWITZ.

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

An Act providing for a moratorium on evictions and foreclosures during the COVID-19
Emergency.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to establish forthwith a moratorium on evictions and foreclosures during the Governor’s COVID-19 emergency declaration, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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) As used in the this act, the term “emergency for cause eviction action”
2 shall mean an eviction action that involves or includes: (i) allegations of criminal activity that are
3 detrimental to the health or safety of other residents, health care workers, emergency personnel,
4 persons lawfully on the subject property or the general public; or (ii) allegations of lease
5 violations that are detrimental to the health or safety of other residents, health care workers,
6 emergency personnel, persons lawfully on the subject property or the general public.

7 (b) Notwithstanding chapter 186 or 239 of the General Laws or any general or special
8 law, rule, regulation or order to the contrary, from the effective date of this act and for a period
9 of 30 days after the termination of the governor’s March 10, 2020 declaration of a state of
10 emergency due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, a

11 landlord or owner of a residential or commercial property, shall not, except for emergency for
12 cause eviction actions: (i) terminate a residential or commercial tenancy; or (ii) send any notice,
13 including a notice to quit, requesting or demanding that a tenant of residential or commercial
14 property vacate the premises.

15 (c) A landlord shall not, if the tenant provides notice and documentation to the landlord
16 that the non-payment of rent was due to a financial impact related, directly or indirectly, to the
17 outbreak of the 2019 novel coronavirus, also known as COVID-19 or the governor's March 10,
18 2020 declaration of a state of emergency, impose a late fee for non-payment of rent from the
19 effective date of this act and for a period of 30 days after the termination of the governor's
20 March 10, 2020 declaration of a state of emergency, or furnish rental payment data to a
21 consumer reporting agency related to the non-payment of rent, if, not later than 30 days after the
22 missed rent payment. The department of housing and community development, in consultation
23 with the department of public health, shall develop forms and establish recommendations for the
24 provision of notice necessary to provide to a landlord to establish that the non-payment of rent
25 was due to a financial impact related, directly or indirectly, to the outbreak of COVID-19.

26 SECTION 2. (a) Notwithstanding chapter 186 or 239 of the General Laws or any general
27 or special, rule, regulation or order to the contrary, from the effective date of this act and for a
28 period of 30 days after the end of the termination of the governor's March 10, 2020 declaration
29 of a state of emergency due to the outbreak of the 2019 novel coronavirus, also known as
30 COVID-19, a landlord may terminate a residential or commercial tenancy for emergency for
31 cause eviction actions after providing the tenant with 10 days' notice to quit, in writing, on a
32 form and in a manner prescribed by the chief justice for the housing court department.

33 (b) If, after the time required by the notice to quit pursuant to subsection (a), a tenant of a
34 residential or commercial property refuses to vacate the premises, a landlord may proceed with
35 an action for summary process pursuant to chapter 239 of the General Laws.

36 SECTION 3. (a) Notwithstanding chapter 186 or 239 of the General Laws or any general
37 or special law, rule, regulation, or order to the contrary, from the effective date of this act and for
38 a period of 30 days after the termination of the governor's March 10, 2020 declaration of a state
39 of emergency due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, any
40 court, including the Boston municipal court, having jurisdiction of an action for summary
41 process pursuant to chapter 239 or other form of eviction action, shall not, except for emergency
42 for cause eviction actions: (i) enter a judgment or default judgment for a plaintiff for possession
43 of a residential or commercial property; (ii) issue an execution for possession of a residential or a
44 commercial property; (iii) accept for filing a writ, summons or complaint for possession of a
45 residential or a commercial property; or (iv) deny, upon the request of a defendant, a stay of
46 execution, or upon the request by a party a continuance of a summary process case.

47 (b) Any deadline or time period for action by a party to a summary process action, except
48 for emergency for cause eviction actions, including, but not limited to, a date to answer a
49 complaint, appeal a judgment, execution for possession or money judgment, shall be tolled from
50 the effective date of this act and for a period of 30 days after the termination of the governor's
51 March 10, 2020 declaration of a state of emergency. The time period for action shall begin to run
52 31 days after the termination of the governor's March 10, 2020 declaration of a state of
53 emergency.

54 (c) No sheriff, deputy sheriff, constable or other person shall, except for emergency for
55 cause eviction actions, enforce or levy upon an execution for possession from the effective date
56 of this act and for a period of 30 days after the termination of the governor's March 10, 2020
57 declaration of a state of emergency.

58 SECTION 4. Notwithstanding section 7A of chapter 167E of the General Laws or section
59 65C1/2 of chapter 171 of the General Laws or any other general or special law to the contrary,
60 from the effective date of this act and for a period of 30 days after the termination of the
61 governor's March 10, 2020 declaration of a state of emergency due to the outbreak of the 2019
62 novel coronavirus, also known as COVID-19, a written certification from a counselor with a
63 third-party organization that a mortgagor has received counseling via a synchronous, real-time
64 video conference in lieu of counseling in person shall satisfy the requirements of clause (ii) of
65 subsection (b) of said section 7A of said chapter 167E or clause (ii) of subsection (b) of said
66 section 65C1/2 of said chapter 171.

67 SECTION 5. Notwithstanding chapter 239 or 244 of the General Laws or any general or
68 special law to the contrary, no creditor, mortgagee or person having estate in the land mortgaged,
69 person authorized by a power of sale pursuant to section 14 of said chapter 244 or right of entry,
70 attorney duly authorized by a writing under seal or legal guardian or conservator of such
71 mortgagee or person acting in the name of such mortgagee or person, from the effective date of
72 this act and for a period of 30 days after the termination of the governor's March 10, 2020
73 declaration of a state of emergency due to the outbreak of the 2019 novel coronavirus, also
74 known as COVID-19, unless a shorter time is required by federal law, shall for the purposes of
75 foreclosure of a residential property, as defined in section 35B of said chapter 244: (i) cause
76 notice of a foreclosure sale to be published pursuant to said section 14 of said chapter 244; (ii)

77 exercise a power of sale; (iii) exercise a right of entry; (iv) initiate a judicial or non-judicial
78 foreclosure process; or (v) file a complaint to determine the military status of a mortgagor under
79 the federal Servicemembers Civil Relief Act, 50 U.S.C. sections 3901 to 4043, inclusive.

80 SECTION 6. Nothing in this act shall be construed to relieve a tenant from the obligation
81 to pay rent, or restrict a landlord's ability to recover rent.

82 SECTION 7. Nothing in this act shall be construed to relieve a mortgagor from the
83 obligation to pay their mortgage or restrict the ability of a creditor, mortgagee or person having
84 estate in the land mortgaged, or a person authorized by a power of sale or right of entry, or
85 attorney duly authorized or person acting in the name of such mortgagee from recovering
86 mortgage payments.

87 SECTION 8. The chief justice for the housing court department shall, within 5 days after
88 the effective date of this act, issue a standard notice to quit form for emergency for cause
89 evictions filed pursuant to this act; provided that, the form shall require the landlord to list and
90 describe the allegations, including the date of the alleged incident or incidents, that caused the
91 landlord to file the emergency for cause eviction against the tenant.