HOUSE DOCKET, NO. 4935 FILED ON: 3/13/2020

HOUSE . . . . . No. 4624

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly and Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for a moratorium on evictions and foreclosures during the COVID19 Emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Mike Connolly	*26th Middlesex*	*3/13/2020*
Kevin G. Honan	*17th Suffolk*	*3/13/2020*
Nika C. Elugardo	*15th Suffolk*	*3/13/2020*
Natalie M. Higgins	*4th Worcester*	*3/13/2020*
Tram T. Nguyen	*18th Essex*	*3/13/2020*
Carmine Lawrence Gentile	*13th Middlesex*	*3/13/2020*
Lindsay N. Sabadosa	*1st Hampshire*	*3/13/2020*
Jack Patrick Lewis	*7th Middlesex*	*3/13/2020*
Maria Duaime Robinson	*6th Middlesex*	*3/13/2020*
Andres X. Vargas	*3rd Essex*	*3/13/2020*
Tami L. Gouveia	*14th Middlesex*	*3/13/2020*
Smitty Pignatelli	*4th Berkshire*	*3/13/2020*
John Barrett, III	*1st Berkshire*	*3/13/2020*
Christine P. Barber	*34th Middlesex*	*3/13/2020*
Michael D. Brady	*Second Plymouth and Bristol*	*3/13/2020*
Michael O. Moore	*Second Worcester*	*3/13/2020*
Jay D. Livingstone	*8th Suffolk*	*3/13/2020*

Adrian C. Madaro	*1st Suffolk*	*3/13/2020*
Christina A. Minicucci	*14th Essex*	*3/13/2020*
Patricia D. Jehlen	*Second Middlesex*	*3/13/2020*
Tommy Vitolo	*15th Norfolk*	*3/14/2020*
Jon Santiago	*9th Suffolk*	*3/14/2020*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*3/14/2020*
David M. Rogers	*24th Middlesex*	*3/14/2020*
Marjorie C. Decker	*25th Middlesex*	*3/14/2020*
Jonathan Hecht	*29th Middlesex*	*3/14/2020*
Chynah Tyler	*7th Suffolk*	*3/15/2020*
Thomas M. Stanley	*9th Middlesex*	*3/15/2020*
Sal N. DiDomenico	*Middlesex and Suffolk*	*3/15/2020*
James K. Hawkins	*2nd Bristol*	*3/15/2020*
Paul R. Feeney	*Bristol and Norfolk*	*3/15/2020*
Ruth B. Balser	*12th Middlesex*	*3/16/2020*
Denise Provost	*27th Middlesex*	*3/16/2020*
Joseph W. McGonagle, Jr.	*28th Middlesex*	*3/16/2020*
Marcos A. Devers	*16th Essex*	*3/16/2020*
Natalie M. Blais	*1st Franklin*	*3/16/2020*
Paul F. Tucker	*7th Essex*	*3/16/2020*
Michelle L. Ciccolo	*15th Middlesex*	*3/16/2020*
Peter Capano	*11th Essex*	*3/16/2020*
Walter F. Timilty	*Norfolk, Bristol and Plymouth*	*3/16/2020*
David Henry Argosky LeBoeuf	*17th Worcester*	*3/16/2020*
Nick Collins	*First Suffolk*	*3/16/2020*
Gerard J. Cassidy	*9th Plymouth*	*3/16/2020*
Stephan Hay	*3rd Worcester*	*3/16/2020*
James J. O'Day	*14th Worcester*	*3/16/2020*
Kay Khan	*11th Middlesex*	*3/16/2020*
John C. Velis	*4th Hampden*	*3/16/2020*
Sean Garballey	*23rd Middlesex*	*3/16/2020*
Elizabeth A. Malia	*11th Suffolk*	*3/16/2020*
Daniel R. Carey	*2nd Hampshire*	*3/16/2020*
Mindy Domb	*3rd Hampshire*	*3/17/2020*
Joan B. Lovely	*Second Essex*	*3/17/2020*
Patrick Joseph Kearney	*4th Plymouth*	*3/17/2020*
Kathleen R. LaNatra	*12th Plymouth*	*3/17/2020*
Sonia Chang-Diaz	*Second Suffolk*	*3/18/2020*
James B. Eldridge	*Middlesex and Worcester*	*3/18/2020*

José F. Tosado	*9th Hampden*	*3/18/2020*
Joan Meschino	*3rd Plymouth*	*3/18/2020*
James T. Welch	*Hampden*	*3/18/2020*
Barry R. Finegold	*Second Essex and Middlesex*	*3/18/2020*
Joseph A. Boncore	*First Suffolk and Middlesex*	*3/18/2020*
Paul W. Mark	*2nd Berkshire*	*3/19/2020*
Michelle M. DuBois	*10th Plymouth*	*3/19/2020*
Liz Miranda	*5th Suffolk*	*3/19/2020*
Frank A. Moran	*17th Essex*	*3/19/2020*
Tricia Farley-Bouvier	*3rd Berkshire*	*3/20/2020*
John F. Keenan	*Norfolk and Plymouth*	*3/20/2020*
Steven Ultrino	*33rd Middlesex*	*3/20/2020*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*3/20/2020*
Linda Dean Campbell	*15th Essex*	*3/20/2020*
Brian M. Ashe	*2nd Hampden*	*3/20/2020*
David Allen Robertson	*19th Middlesex*	*3/20/2020*
Antonio F. D. Cabral	*13th Bristol*	*3/20/2020*

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By Messrs. Connolly of Cambridge and Honan of Boston, a petition (subject to Joint Rule 12) of Mike Connolly, Kevin G. Honan and others relative to a moratorium on evictions and foreclosures during the COVID-19 emergency declaration. Housing.

The Commonwealth of Massachusetts

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

An Act providing for a moratorium on evictions and foreclosures during the COVID19 Emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is 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 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:

SECTION 1. (a) Notwithstanding chapters 186 or 239 of the General Laws or any general or special law to the contrary, no court having jurisdiction of an action for summary process pursuant to chapter 239 or other form of eviction action shall: (i) enter a judgment or default judgment for a plaintiff for possession of a residential dwelling unit, (ii) issue an execution for possession of a residential dwelling unit; (iii) accept for filing a writ, summons or complaint for possession of a residential dwelling; or (iv) deny, upon the request of a defendant, a stay of execution or continuance of a summary process case from the date of the emergency declaration issued by the Governor, dated March 10, 2020 and designated as executive order number 591, until such time as the emergency declaration is rescinded by the governor.

(b) Any deadline or time period for action by a party to a summary process defendant, such as a date to answer a complaint, or to appeal a judgment, is tolled until the emergency declaration is rescinded by the governor. The time period for action shall begin to run from when the emergency declaration is rescinded by the governor.

(c) No sheriff, deputy sheriff, constable or other person shall enforce or levy upon an execution for possession from the date of the emergency declaration issued by the Governor, dated March 10, 2020 and designated as executive order number 591, until such time as the emergency declaration is rescinded by the governor. A violation of this subsection shall be punishable by a fine of $5,000 or 6 months imprisonment in a county jail, or by both.

SECTION 2. Notwithstanding chapters 239 or 244 of the General Laws or any general or special law to the contrary, no creditor, mortgagee or person having estate in the land mortgaged, or a person authorized by a power of sale pursuant to section 14 of said chapter 244 or right of entry, or the attorney duly authorized by a writing under seal or the legal guardian or conservator of such mortgagee or person acting in the name of such mortgagee or person, shall for the purposes of foreclosure of a residential property, as that term is defined in section 35B of said chapter 24: (A)(i) cause publication of notice of a foreclosure sale pursuant to said section 14; (ii) exercise a power of sale; (iii) exercise a right of entry or (B) (i) initiate a summary process action from the date of the emergency declaration issued by the Governor, dated March 10, 2020 and designated as executive order number 591, until such time as the emergency declaration is rescinded by the governor. A violation of this section shall be punishable by a fine of $5,000 or 6 months imprisonment in a county jail, or by both.