

SENATE No. 2621

The Commonwealth of Massachusetts

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

SENATE, March 31, 2020.

The committee on Senate Ways and Means to whom was referred the House Bill relative to host community agreements (House, No. 4398), - reported, in part, a "Bill providing temporary protections for renters and homeowners during the COVID-19 emergency" (Senate, No. 2621).

For the committee,
Michael J. Rodrigues

SENATE No. 2621

The Commonwealth of Massachusetts

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

An Act providing temporary protections for renters and homeowners during the COVID-19 emergency.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to provide forthwith eviction relief and foreclosure relief in response to a public health emergency, each of which is immediately necessary to carry out to accomplish important public purposes, 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. As used in this act, the following words shall have the following meanings
2 unless the context clearly requires otherwise:

3 “COVID-19 emergency”, the state of emergency concerning the novel coronavirus
4 disease outbreak declared by the governor on March 10, 2020.

5 “Financial impact from COVID-19”, a financial hardship due, directly or indirectly, to
6 the COVID-19 emergency.

7 “Non-essential eviction action”, an eviction action: (i) for non-payment of rent due to a
8 financial impact from COVID-19; (ii) resulting from a foreclosure; or (iii) for cause that does not
9 involve or include allegations of criminal activity or allegations of lease violations that may

10 impact the health or safety of other residents, health care workers, emergency personnel, persons
11 lawfully on the subject property or the general public.

12 SECTION 2. Notwithstanding section 7A of chapter 167E or section 65C1/2 of chapter
13 171 of the General Laws or any other general or special law to the contrary, from the passage of
14 this act until the termination of the COVID-19 emergency, written certification from a counselor
15 with a third-party organization that a mortgagor has received counseling via a synchronous, real-
16 time video conference in lieu of counseling in person shall satisfy the requirements of clause (ii)
17 of subsection (b) of said section 7A of said chapter 167E or clause (ii) of subsection (b) of said
18 section 65C1/2 of said chapter 171.

19 SECTION 3. (a) Notwithstanding chapter 186 or chapter 239 of the General Laws or any
20 other general or special law to the contrary, a court having jurisdiction over an action for
21 summary process pursuant to said chapter 239, including the Boston municipal court department,
22 shall not, in any non-essential eviction action for a residential dwelling unit, enter a default
23 judgment for a plaintiff for possession of the residential dwelling unit or schedule a court event,
24 including a summary process trial, from the passage of this act until 90 days after the passage of
25 this act or the termination of the COVID-19 emergency, whichever is sooner.

26 (b) A deadline or time period for action by a party to a summary process action, whether
27 such deadline or time period was established before or after the passage of this act, including, but
28 not limited to, a date to answer a complaint, appeal a judgment or levy upon an execution for
29 possession or a money judgment, shall be tolled until 90 days after the passage of this act or the
30 termination of the COVID-19 emergency, whichever is sooner. The time period for action shall

begin to run from 90 days after the passage of this act or upon the termination of the COVID-19 emergency, whichever is sooner.

(c) A landlord shall not impose a late fee for non-payment of rent during the period from the passage of this act until 90 days after the passage of this act or the termination of the COVID-19 emergency, whichever is sooner, or furnish rental payment data to a consumer reporting agency related to the non-payment of rent, if, not later than 30 days after the missed rent payment, the tenant provides notice and documentation to the landlord that the non-payment of rent was due to a financial impact from COVID-19. The department of housing and community development, in consultation with the department of public health, shall develop forms and recommendations for the provision of notice and documentation to a landlord that the non-payment of rent was due to a financial impact from COVID-19.

(d) Nothing in this section shall relieve a tenant from the obligation to pay rent or restrict a landlord's ability to recover rent.

SECTION 4. Notwithstanding chapter 239 or chapter 244 of the General Laws or any other general or special law to the contrary, a creditor, mortgagee or person having estate in the land mortgaged, 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 not, for the purposes of foreclosure of a residential property as defined in section 35B of said chapter 244, from the passage of this act until 90 days after the passage of this act or the termination of the COVID-19 emergency, whichever is sooner unless a shorter time is required by federal law: (i) cause notice of a foreclosure sale to be published pursuant to said section 14

53 of said chapter 244; (ii) exercise a power of sale; (iii) exercise a right of entry; (iv) initiate a
54 judicial or non-judicial foreclosure process; or (v) file a complaint to determine the military
55 status of a mortgagor under the federal Servicemembers Civil Relief Act, 50 USC 3901 to 4043,
56 inclusive.