

## **H.4615, AN ACT PROVIDING FOR A MORATORIUM ON EVICTIONS AND FORECLOSURES DURING THE COVID-19 EMERGENCY**

Sponsor: House Ways & Means

*Passed by the Massachusetts House of Representatives on April 2, 2020*

### **SECTION 1. EVICTION MORATORIUM**

#### **Prohibiting Residential & Commercial Evictions**

From the effective date of this act until 30 days after the end of the emergency COVID-19 emergency declaration, except for emergency for cause eviction actions, the bill prohibits a landlord or owner of residential or commercial property from:

- (i) terminating a residential or commercial tenancy; or
- (ii) sending any notice, including a notice to quit, requesting or demanding that a tenant of residential or commercial property vacate the premises.

The bill defines “emergency cause eviction action” as an eviction action that involves or includes:

- (i) allegations of criminal activity that are detrimental to the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public; or
- (ii) allegations of lease violations that are detrimental to the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public.

#### **Prohibiting Late Fees or Negative Credit Reporting**

The bill prohibits a landlord or owner of residential or commercial property from charging a late fee for non-payment or providing rental payment data to any consumer reporting agency related to the non-payment if a tenant provides notice and documentation that the non-payment was because of financial impact related to the COVID-19 outbreak.

The bill directs the Department of Housing and Community Development, in consultation with the Department of Health, to develop forms and recommendations for the provision of the notice and documentation to the landlord. These prohibitions are in effect from the effective date of this act until 30 days after the end of the emergency declaration.

### **SECTION 2. EMERGENCY FOR CAUSE EVICTIONS**

#### **Termination of Tenancy for Emergency For Cause Eviction**

From the effective date of this act until 30 days after the end of the emergency declaration, the bill allows a landlord or owner of residential or commercial property to

terminate a tenancy for an emergency for cause eviction only after the owner provides the tenant with a 10 days' notice to quit.

An owner may pursue an action for summary process if the tenant does not vacate the property after the 10 days' notice to quit in an emergency for cause eviction.

### **SECTION 3. DELAYING EVICTION COURT CASES & ACTIONS**

#### **Stopping Eviction Court Cases & Actions**

From the effective date of this act until 30 days after the end of the emergency COVID-19 emergency declaration, except for emergency for cause eviction actions, the bill prohibits courts from:

- (i) entering a judgment or default judgment for a plaintiff for possession of a residential or commercial property;
- (ii) issuing an execution for possession of a residential or a commercial property;
- (iii) accepting for filing a writ, summons or complaint for possession of a residential or a commercial property; or
- (iv) denying, upon the request of a defendant, a stay of execution, or upon the request by a party a continuance of a summary process case.

#### **Pausing Existing Eviction Cases & Actions**

The bill pauses any deadline or time period for action in an eviction case, except for emergency for cause eviction actions. These time periods include a date to answer a complaint, appeal a judgment, execution for possession or money judgment. These deadlines are paused from the effective date of this act until 30 days after the termination of the emergency declaration. The time period for action shall begin to run 31 days after the termination of the emergency declaration.

#### **Prohibiting Executions of Evictions**

The bill prohibits a sheriff or anyone else from enforcing an execution for possession for any eviction, except for emergency for cause eviction actions from the effective date of this act until 30 days after the termination of emergency declaration.

### **SECTION 4. REVERSE MORTGAGE COUNSELING**

The bill allows counseling for reverse mortgages to be done by video-conference during the emergency declaration. Once the emergency declaration lapses, counseling for reverse mortgages will revert back to the requirement that counseling be in person.

## **SECTION 5. FORECLOSURE MORATORIUM**

The bill prohibits foreclosures on residential properties from the effective date of this act until 30 days after the end of the emergency declaration. Specifically, the bill prohibits a party from:

- (i) Publishing a notice of a foreclosure;
- (ii) Exercising a power of sale;
- (iii) Exercising a right of entry;
- (iv) Initiating a judicial or non-judicial foreclosure process; or
- (v) File a complaint to determine the military status of a mortgagor under the federal Servicemembers Civil Relief Act.

## **SECTION 6. OBLIGATION TO PAY RENT**

The bill explicitly states that nothing in this act shall be construed to relieve a tenant from the obligation to pay rent, or restrict a landlord's ability to recover rent.

## **SECTION 7. OBLIGATION TO PAY MORTGAGE**

The bill explicitly states that nothing in this act shall be construed to relieve someone from the obligation to make mortgage payments. Nor does the act restrict a duly authorized person from the right to collect mortgage payments.

## **SECTION 8. DEVELOPING COURT FORMS**

The bill directs the chief justice for the housing court to issue a standard notice to quit form for emergency for cause evictions within 5 days after the effective date of this act.