

**CHAPA
COVID-19 Affordable Housing Response Meeting
Thursday, October 29th, 2020 at 10:00-11:00 a.m.**

For the most updated information on affordable housing and the COVID-19 crisis, visit:
<https://www.chapa.org/housing-news/covid-19-affordable-housing-updates>

Notes

Welcome

Eric Shupin, Director of Policy, CHAPA

Shupin welcomed everyone to the call. This is the first call since the expiration of the Massachusetts Eviction Moratorium and the announcement of Governor Baker's \$171 million Eviction Diversion Initiative. Discussion on today's call will focus on the implementation of this Initiative.

Governor Baker's Eviction Diversion Initiative

Undersecretary Jennifer Maddox, Department of Housing & Community Development
Maddox updated callers on the "all hands on deck" effort to implement the [Eviction Diversion Initiative \(EDI\) to provide vital services](#) to households in need of rental assistance including wrap around resources for tenants at every stage of the eviction process. EDI includes expanded resources for rapid rehousing, mediation and legal assistance, all with many community partners. Immediately, the Regional Administering Agencies (RAAs) charged with processing RAFT and ERMA applications will be increasing their staffing. Other improvements include a streamlined application. All twelve mediation centers expect to be ready to receive referrals within one month. Massachusetts Legal Assistance Corporation (MLAC) expects to hire forty additional attorneys and fourteen law firms have agreed to provide pro bono legal assistance.

Maddox emphasized that DHCD is cognizant of the real life consequences to families and individuals facing eviction. DHCD is redoubling its outreach including a paid social media campaign, the Massachusetts 211 help line (<https://mass211.org/>) and over thirty bill boards alerting the public to the resources that are being made available.

Maddox reported that issues that have arisen in operationalizing the EDI are being addressed including long wait times for the 211 help line. Maddox also noted that callers are now able to select a language option at the beginning of each call.

DHCD continues to work with both HomeBASE (<https://www.mass.gov/service-details/homebase>) and the Massachusetts Evacuee Transitional Assistance Reserve initiative (METAR) run by the Massachusetts Emergency Management Agency (MEMA) to provide COVID compliant housing. METAR provides resources that can be used to pay for such things as first/last month rent, security deposit, moving expenses, furniture and a short term rental stipend after an emergency. Notably, DHCD continues to support critical affordable housing development as the lasting solution to insuring that all households have a place to call home.

Understanding the Federal Eviction Moratorium

Judith Liben, Senior Staff Attorney, Massachusetts Law Reform Institute

Liben expressed her thanks to Undersecretary Maddox and her team for their remarkable effort to operationalize EDI.

Liben underscored the importance of the federal eviction moratorium (the CDC Order) in this transition time as the expansion of RAFT funds through EDI are operationalized. The CDC Order, issued as a public health order to stop the spread of COVID-19, became effective on October 19th and will remain in effect until December 31, 2020. The CDC Order stops some tenants who cannot pay rent from being evicted. While not as robust as the Massachusetts eviction moratorium, the CDC Order prevents the issuance of a writ of execution, the last stage of an eviction proceeding when tenants can be removed from the property. Critically, to be considered a “covered person” under the CDC Order, a Declaration must be completed by each tenant in which the tenant certifies maximum income, inability to pay full rent due to loss of household income, use of best efforts to seek rental assistance and use of best efforts to make partial payment.

Many questions remain about various aspects of the CDC Order including who is a “covered person”, how to complete the Declaration and how to prepare for an eviction proceeding. Massachusetts Law Reform Institute has prepared a comprehensive guide to these questions and other aspects of the Order which can found at [Masslegalhelp.org](https://www.masslegalhelp.org),

Since pending eviction cases will be heard first, Liben encouraged tenants to complete and submit a declaration to insure that the protection is available. Liben also noted that MA District and Housing Courts follow different CDC guidance, with Housing Court taking a more aggressive approach to hearing eviction cases. Massachusetts Trial Court FAQs on the CDC Order can be found [here](#).

There are several federal court challenges to the CDC moratorium pending throughout the country with decisions expected at any time that could have national significance. We will post any updates on the CHAPA COVID-19 Response page.

Local Eviction Moratorium

Ellen Shachter, City of Somerville

Shachter discussed the Somerville moratorium, “[An Emergency Order Establishing a Moratorium on Eviction Enforcement](#)”, an ordinance prohibiting executions for possession or “physical levies of persons or belongings”. Issued by the Mayor and the Board of Public Health, the Order is based on securing the health and safety of the community during COVID-19. Allowing evictions could thwart public health by increasing homelessness or overcrowding housing conditions.

Residents of Somerville also benefit from the Housing Stability Notification Act which mandates that if a Notice to Quit is served, the landlord must provide notice of community resources to the defendant as well as information about tenants’ rights. Shachter noted that this act, which was implemented prior to COVID-19, gives tenants

more time to secure rental assistance. Landlords can be fined for non-compliance. Importantly, the City of Somerville has done extensive outreach, including a citywide mailing to all residents, to let people know where to seek legal counsel and rental assistance funds.

Lastly, the Somerville Housing Authority has agreed to pause evictions until the end of 2020. Similar voluntary non-eviction pledges are seen in Boston. Frances Goyes, Policy Innovation Associate at MassHousing, indicated that Beacon Communities, the Community Builders, Trinity Financial and others have taken this pledge protecting tenants in approximately 40,000 units.

Shachter referred callers to the City's Office of Housing Stability website for details on the [moratorium](#). Shachter graciously offered to discuss Somerville's moratorium with others in communities that may be considering enacting a local moratorium. She can be reached at: eshachter@somervillema.gov.

Federal Updates

Ryan Dominguez, Senior Policy Analyst, CHAPA

While there is no forthcoming federal stimulus, Dominguez was able to report several important updates.

On October 25, 2020, a Massachusetts District Court stayed the effective date and enjoined the enforcement of a HUD final rule revising the Fair Housing Act disparate impact standards which had been scheduled to take effect on October 26th. The first in the nation lawsuit was brought by the Massachusetts Fair Housing Center and Housing Works who were represented by Lawyers for Civil Rights. In his opinion, Judge Mastroianni sided with the plaintiffs' claim that the rule is arbitrary and capricious, as the rule does not appear to accomplish either of HUD's stated aims. Additional information and the full opinion can be found [here](#).

HUD published a rule on the Housing Opportunity Through Modernization Act of 2016 (HOTMA) regarding [Housing Choice Voucher and Project-Based Voucher Implementation](#). The rule makes some regulatory changes that will increase housing quality standards, implement operating cost adjustments and site based waiting lists. Comments are due on December 7, 2020.

Rep Katherine Clark has filed [H.R.8533](#), a bill to provide an exception to the volume cap requirement for private activity bonds used to finance the preservation, improvement, or replacement of certain federally-assisted buildings and for other purposes. This measure is important for Massachusetts because it can preserve units and finance the rehabilitation of others. This is a priority for both the response and the recovery from COVID-19.

State Updates

Eric Shupin, Director of Policy Director, CHAPA

With respect to the State budget, Shupin reported that there is now no expectation of a full budget being announced by the end of October. To date, another short term budget was announced which maintains level funding for most programs with the hope that the budget process is completed before the end of the year.

On the legislative side, in January the next legislative session will begin. CHAPA encourages callers to reach out to about housing priorities. In the meantime, the outstanding bills in conference committee such as the Economic Development bill continuing to make their way through the process with the expectation that they are voted on by the end of the year.

Next Meeting: TBD