

Analysis of FY2021 Conference Budget

December 4, 2020

This document includes an analysis of affordable housing, homelessness prevention, and community development programs in the [FY2021 Conference Budget](#).

A table is included showing the appropriations for each budget program in the conference budget.

After the table, a detailed analysis of budget language is included if the conference budget makes substantive language changes to the program as compared to the previous fiscal year.

Following the budget line-items, this document includes summaries and language of housing-related outside sections contained in the conference budget.

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| Line Item | Program | FY21 Request | Conference Budget | Gov Revised FY21 Budget | FY2020 Budget |
|-----------|--|---------------|-------------------|-------------------------|---------------|
| 7004-9024 | Mass. Rental Voucher Program | \$135,000,000 | \$135,000,000 | \$120,000,000 | \$116,000,000 |
| 7004-9030 | Alternative Housing Voucher Program | \$12,000,000 | \$12,526,596** | \$7,500,000 | \$8,000,000 |
| 7004-9316 | Residential Assistance for Families in Transition | \$54,700,000 | \$54,700,000† | \$21,000,000 | \$21,000,000 |
| 7004-3036 | Housing Consumer Education Centers | \$4,750,000 | \$4,750,000 | \$3,750,000 | \$3,750,000 |
| 7004-9005 | Public Housing Operating | \$80,000,000 | \$80,000,000 | \$72,000,000 | \$72,000,000 |
| 7004-9007 | Public Housing Reform | \$2,000,000 | \$1,000,000 | \$1,000,000 | \$1,000,000 |
| 7004-0104 | Home & Healthy for Good | \$3,890,000 | \$3,890,000 | \$2,890,000 | \$2,890,000 |
| 7004-0108 | HomeBASE | \$45,000,000 | \$29,058,618^ | \$24,070,172 | \$25,825,000 |
| 7006-0011 | Foreclosure Prevention & Housing Counseling | \$3,500,000 | \$2,850,000 | \$1,500,000 | \$2,850,000 |
| 7004-3045 | Tenancy Preservation Program | \$1,300,000 | \$1,500,000 | \$1,300,000 | \$1,300,000 |
| 4120-4001 | MassAccess Registry | \$80,000 | \$80,000 | \$80,000 | \$80,000 |
| 4000-0007 | Unaccompanied Homeless Youth | \$8,000,000 | \$8,000,000 | \$5,000,000 | \$5,000,000 |
| 7004-0106 | New Lease for Homeless Families | \$250,000 | \$250,000 | \$250,000 | \$250,000 |
| 7004-9033 | Department of Mental Health Rental Subsidy Program | \$10,548,000 | \$10,548,125 | \$7,548,125 | \$7,548,125 |

* Includes \$9,498,706 in funding authorized to carry over from unspent MRVP funds in FY2020.

** Includes \$1,904,995 in funding authorized to carry over from unspent AHVP funds FY2020.

^ Includes \$1,900,440 in funding authorized to carry over from unspent HomeBASE funds FY2020.

† Includes \$4,700,000 transfer from Housing Preservation and Stabilization Trust Fund.

Budget Line-Items

Massachusetts Rental Voucher Program (7004-9024)

Conference: \$ 135,000,000*
Gov's Oct FY21: \$ 120,000,000**
FY2020: \$ 116,000,000

* Includes FY2021 budget appropriation and \$9,498,706 in unexpended funds from FY2020 to be carried over into FY2021.

** Although Governor Baker's revised H.2 budget proposes \$113 million for MRVP, the Governor has said he would make \$120 million available for the program by including unexpended MRVP funds from FY2020 in the FY2021 budget.

Description of Changes:

- Directs 75% of newly issued vouchers to extremely low income households
- Sets administrative fee at \$50
- Adds language for unexpended funds from FY2020 to roll over into FY2021
- Directs DHCD to complete a voucher management system by June 30, 2021
- Changes reporting requirements to include:
 - i. Number and average value of current vouchers in each county and municipality
 - ii. Number of distributed vouchers
 - iii. Average number of days it take a household to use a voucher a voucher after receiving it
 - iv. Average number of days that it takes a project based voucher awarded by DHCD to be used after the award was made
 - v. Number and type of vouchers issued after July 1, 2020
 - vi. Number of households on a waitlist for an available rental voucher
 - vii. Number of households that reach the date by which they must lease up their voucher without having found an available unit
 - viii. Number of households that apply for an extension to lease their voucher sand the number of extensions granted
 - ix. Any actions taken by DHCD to reduce the wait time for households to lease their voucher

Language:

For a program of rental assistance for low-income families and elderly persons through mobile and project-based vouchers; provided, that such assistance shall only be paid under the Massachusetts rental voucher program; provided further, that the income of

eligible households shall not exceed 80 per cent of the area median income; provided further, that the department [of housing and community development](#) may require that not less than 75 per cent of [newly issued](#) vouchers be targeted to households whose income at initial [eligibility](#)[occupancy](#) does not exceed 30 per cent of the area median income; provided further, that the department ~~of housing and community development~~ may award mobile vouchers to eligible households currently occupying project-based units that shall expire due to the non-renewal of project-based rental assistance contracts; provided further, that the department, as a condition of continued eligibility for vouchers and voucher payments, may require disclosure of social security numbers by participants and members of a participant's household in the Massachusetts rental voucher program for use in verification of income with other agencies, departments and executive offices; provided further, that if a participant or member of a participant's household fails to provide a social security number for use in verifying the household's income and eligibility, then that household shall no longer be eligible for a voucher or to receive benefits from the voucher program; provided further, that the monthly dollar amount of each voucher shall be the department- approved monthly rent of the unit less the monthly amount paid for rent by the household; provided further, that any household that is proven to have caused intentional damage to its rental unit in an amount exceeding 2 months of rent during any 1-year period shall be terminated from the program; provided further, that if the use of a mobile voucher is or has been discontinued, then the mobile voucher shall be reassigned; provided further, that [the department shall pay regional administering agencies not less than \\$50 per voucher per month for the costs of administering the program; provided further, that](#) subsidies shall not be reduced due to the cost of inspections; provided further, that notwithstanding any general or special law to the contrary, each household holding a voucher shall pay at least 30 per cent, but not more than 40 per cent, of its income as rent; provided further, that the department shall establish the amounts of the mobile and project-based vouchers so that the appropriation in this item shall not be exceeded by payments for rental assistance and administration; provided further, that the department shall not enter into commitments which shall cause it to exceed the appropriation set forth in this item; provided further, that the department may impose certain obligations for each participant in the Massachusetts rental voucher program through a 12-month contract which shall be executed by the participant and the department; provided further, that such obligations shall include, but shall not be limited to, job training, counseling, household budgeting and education, as defined under regulations promulgated by the department and to the extent said programs are available; provided further, that each participant shall be required to undertake and meet these contractually established obligations as a condition for continued eligibility in said program; provided further, that for continued eligibility, each participant shall execute such 12-month contract not later than September ~~2, 2019~~[1, 2020](#) if said participant's annual eligibility recertification date occurs between June 30, ~~2019~~[2020](#) and September ~~2, 2019~~[1, 2020](#) and otherwise not later than the annual eligibility recertification date; provided further, that any participant who is over ~~the age of~~ 60 years [of age](#) or who is disabled may be exempt from any obligations unsuitable under particular circumstances; provided further, that participating local housing authorities may take all steps necessary to enable them to transfer mobile voucher program participants from the Massachusetts rental voucher program into another housing subsidy program; provided further, that the department's

approved monthly rent limits for mobile vouchers ~~issued or leased after August 1, 2019~~ shall not be less than the current area-wide fair market rent based on unit size as established annually by the United States Department of Housing and Urban Development; provided further, that the requested rent level for mobile vouchers shall be determined reasonable by the administering agency; provided further, that ~~for mobile vouchers currently leased, the new rent limit shall not begin until the anniversary date of the lease; provided further, that~~ the department may assist housing authorities at their written request in the immediate implementation of a homeless prevention program utilizing alternative housing resources available to them for low-income families and the elderly by designating participants in the Massachusetts rental voucher program as at risk of displacement by public action through no fault of their own; provided further, that not later than ~~December 13, 2019~~ January 15, 2021, the department shall report to the house and senate committees on ways and means and joint committee on housing on the utilization of rental vouchers during the last 3 fiscal years under this item and item 7004-9030; provided further, that the report shall include, but not be limited to, ~~the~~: (i) the number and average value of rental vouchers currently distributed in the commonwealth, in each county and in each municipality; (ii) the number of distributed vouchers available to be utilized; (iii) the average number of days that it takes for a family household to utilize a voucher after receiving it from the administering agency; ~~and (iii)~~ (iv) the average number of families waiting days that it takes for project-based vouchers awarded by the department to be utilized after the award is made; the number and type of new vouchers issued after July 1, 2020; the number of households on a waitlist for an available rental voucher; (vii) the number of households that reach the date by which they must lease up their voucher without having found an available unit; (viii) the number of households that apply for an extension by the deadline to lease up their voucher and the number of extensions granted; (ix) any actions taken by the department to reduce the wait time for households to lease up their voucher; provided further, that the report shall comply with state and federal privacy standards; provided further, that the department shall expend funds from this item for costs related to the completion of the voucher management system; provided further, that the department shall complete and implement the voucher management system not later than June 30, 2021; and provided further, that up to \$~~6,000,000~~ 9,498,706 appropriated for this item in fiscal year ~~2019~~ 2020 shall not revert but shall be made-available for the purposes of this item in fiscal ~~year 2020~~ 2021

Residential Assistance for Families in Transition (7004-9316)

| | |
|-----------------|----------------|
| Conference: | \$ 54,700,000* |
| Gov's Oct FY21: | \$ 21,000,000 |
| FY2020: | \$ 21,000,000 |

* Includes \$4.7 million transfer from Housing Preservation & Stabilization Trust Fund.

Description of Changes:

- Increases maximum RAFT amount to \$10,000 through the end of the COVID-19 emergency declaration
- For 6 months after the end of the COVID-19 emergency, raises the maximum RAFT benefit to \$7,000
- De-couples RAFT and HomeBASE maximum benefits until the end of the COVID-19 emergency declaration
- Allows income verification to be conducted using:
 - a. The same process used to conduct income verification in FY2020 or to allow fewer documents to be used to verified, as directed by DHCD; or
 - b. Third-party income verification
- Directs DHCD to use a short, simple RAFT application requiring minimal processing time during the COVID-19 emergency declaration
- Adds language to codify the rental and mortgage arrearage assistance program, with a maximum benefit of up to 4 times the monthly rent or mortgage arrearage

Language:

For a program to provide assistance in addressing obstacles to maintaining or securing housing for families with a household income: (i) not greater than 30 per cent of area median income who are homeless and moving into subsidized or private housing or are at risk of becoming homeless; or (ii) greater than 30 per cent but not more than 50 per cent of area median income who are homeless and moving into subsidized or private housing or are at risk of becoming homeless due to a significant reduction of income or increased expenses; provided, that assistance shall be administered by the department of housing and community development through contracts with the regional HomeBASE agencies; provided further, that not less than 50 per cent of the funds shall be provided to households with an income not greater than 30 per cent of area median income, subject to the department's discretion based on data reflecting program demand and usage; provided further, that in distributing 50 per cent of the funds, the department shall prioritize those families most likely to otherwise require shelter services under item 7004-0101; provided further, that, [from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel](#)

coronavirus disease declared by the governor on March 10, 2020, the amount of financial assistance shall not exceed \$410,000 in any 12-month period; provided further, that for a period of 6 months beginning at the termination of the state of emergency declared by the governor on March 10, 2020, the amount of financial assistance shall not exceed \$7,000 in the 12-month period thereafter; provided further, that the combined sum of benefits received by a family in a 12-month period from this item and item 7004-0108 shall not be more than the maximum level of short-term housing assistance in said item 7004-0108; provided further, that from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel coronavirus disease declared by the governor on March 10, 2020, the preceding proviso shall not apply; provided further, that residential assistance payments may be made through direct vendor payments according to standards to be established by the department; provided further, that the agencies shall establish a system for referring families approved for residential assistance payments, who the agencies determine would benefit from these services, to existing community-based programs that provide additional housing stabilization supports, including assistance in obtaining housing subsidies and locating alternative housing that is safe and affordable for those families; provided further, that the program shall be administered under guidelines established by the department; provided further, that income verification shall be conducted by using: (a) documentation provided by the household, requiring the same documentation and process used to conduct income verification under this item in fiscal year 2020 or fewer documents as directed by the department; or (b) third-party income verification; provided further, that the manner in which income verification is conducted shall be at the discretion of the department but that the department shall not discontinue the use of either option for income verification listed in the preceding proviso; provided further, that from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel coronavirus declared by the governor on March 10, 2020, the department shall allow a short, simple application requiring minimal processing time provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means detailing the: ~~(a)~~1) number of families who applied for assistance; ~~(b)~~2) number of families approved for assistance; ~~(c)~~3) minimum, median and average amount of financial assistance awarded; ~~(d)~~4) total amount of assistance awarded to date, ~~delineated~~including a breakdown by income category; and ~~(e)~~5) number of families falling into each income category; provided further, that the department shall track a family's reason for assistance by the same categories used in item 7004-0101; provided further, that not less than \$3,000,000 shall be expended to provide assistance to households of all sizes and configurations including, but not limited to, elders, persons with disabilities and unaccompanied youths; provided further, that ~~in addition to the amount appropriated in this item, \$4,725,768~~ funds may be expended to continue funding a rental and mortgage arrearage assistance program for households whose incomes are at or below 50 per cent of the area median income and who are at risk of eviction or foreclosure within the next 12 months; provided further, that for the purposes of any funds spent through this program, to receive cash benefits or other services, it is not necessary for a household to be subject to summary process under chapter 239 of the General Laws, and risk of eviction or foreclosure may be determined by documentation from the landlord or mortgage lender verifying outstanding rent or mortgage, including

any interest, fees, or penalties, and documentation from the head of household demonstrating the household's current inability to pay said amounts; provided further, that the department shall ensure that not less than 50 per cent of any funds so issued be provided to households with incomes not greater than 30 per cent of area median income; provided further, that eligible households shall include, but not be limited to, families with children under the age of 21, elders, persons with disabilities and unaccompanied youth; provided further, that services and cash benefits under the arrearage program shall be made available to households for the prevention of the loss of subsidized or unsubsidized housing; provided further, that cash benefits for any recipients approved shall not exceed the actual liability or four times the monthly rental or mortgage liability, whichever is less; provided further, that any such benefits provided shall be paid directly to the landlord or mortgage lender; provided further, that should the department administer the program in fiscal year 2021, the department shall coordinate with the department of transitional assistance, member agencies and offices of the Massachusetts interagency council on housing and homelessness and the agencies contracted to administer the residential assistance for families in transition program on behalf of eligible households served by those agencies and offices so as to streamline the application process, provide additional support services and better promote upstream homelessness prevention and housing stability; provided further, that not later than March 1 2021, the department shall issue a report on the rental and mortgage arrearage assistance pilot program funded by this item since during the fiscal years following its creation; provided further, that the report shall be submitted to the house and senate committees on ways and means, the house and senate chairs of the joint committee on housing and clerks of the house of representatives and the senate; provided further, that the report shall include but not be limited to the following information: (A) the number of applications requested, the number of applications completed and the number of applications approved; (B) the number of applications rejected and the reasons for denial; (C) the household income and demographic information for each qualifying household and its members; provided further, that this information shall be provided by zip code and cumulatively; and (D) the monthly rent or mortgage liability for each qualifying household and the amount of each arrearage payment; provided further, that if there is a conflict between the provisions of this item and the provisions established by the department as part of any upstream rental arrearage assistance pilot program previously approved, the provisions of this section shall control, including but not limited to, eligibility standards, documentation requirements, and benefit caps; provided further, that in addition to the amount appropriated in this item, \$4,700,000 from the Housing Preservation and Stabilization Trust Fund established under section 60 of chapter 121B of the General Laws shall be made available to this item in addition to the amount appropriated; provided further, that household assistance funds shall be advanced to the administering agencies at the end of each month and before the next month's disbursement, the amount of which shall be estimated based on the prior month's expenditure with a reconciliation not less than annually; provided further, that, notwithstanding clauses (i) and (ii), ~~not less than \$500,000~~ funds shall be expended to families and individuals who are at risk of injury or harm due to domestic violence in their current housing situation and whose household income is not greater than 60 per cent of the area median income; and provided further, that families and individuals that are at risk of injury or harm from domestic violence who meet the qualifications of

enrollment in the address confidentiality program shall be afforded the opportunity to register with and become enrolled in the address confidentiality program as offered by the [secretary of the commonwealth](#)

HomeBASE (7004-0108)

| | |
|------------------|----------------|
| Conference: | \$ 29,058,618* |
| Governor's FY21: | \$ 24,070,172 |
| FY2020: | \$ 25,825,000 |

** Includes FY2021 budget appropriation and \$1,900,440 in unexpended funds from FY2020 to be carried over into FY2021.*

Description of Changes:

- De-couples HomeBASE and RAFT during the COVID-19 emergency declaration, allowing households to access both resources
- Adds reporting requirements to include demographic information and the ages of those served by the program
- Allows unexpended funds from FY2020 to be used in FY2021

Language:

For a program of short-term housing assistance to help families eligible for temporary emergency shelter under item 7004-0101 in addressing obstacles to maintaining or securing housing; provided, that the assistance ~~provided under this item~~ shall include not less than 12 months of housing stabilization and economic self-sufficiency case management services for each family receiving benefits under this item; provided further, that a family shall not receive more than a combined sum of \$10,000 in a 12-month period from this item and item 7004-9316; [provided further, that from the passage of this act until the termination of the state of emergency concerning the outbreak of the 2019 novel coronavirus disease declared by the governor on March 10, 2020, the preceding proviso shall not apply](#); provided further, that so long as they meet the requirements of their housing stabilization plan, a family that received household assistance under this item whose income exceeds 50 per cent of area median income shall not become ineligible for assistance due to exceeding the income limit for a period of 6 months from the date that the 50 per cent level was exceeded; provided further, that a family shall not be deemed ineligible as a result of any single violation of a self-sufficiency plan; provided further, that the department [of housing and community development](#) shall take all steps necessary to enforce regulations to prevent abuse in the short-term housing transition program, including a wage match agreement with the department of revenue; provided further, that a family that was terminated from the program or did not make a good faith effort to follow its housing stabilization plan during the term of its assistance shall be ineligible for benefits under said item 7004-0101 and this item for 12 months from the last date the family received assistance under said item 7004-0101 and this item; including housing stabilization and economic self-sufficiency case management services; provided further, that a family's housing

stabilization plan shall adequately accommodate the ages and disabilities of the family members; provided further, that families receiving benefits under this program who are found ineligible for continuing benefits shall be eligible for aid pending a timely appeal under chapter 23B of the General Laws; provided further, that families who are denied assistance under this item may appeal that denial under said chapter 23B, including subsection (F) of section 30 of said chapter 23B and regulations adopted to implement said chapter 23B; provided further, that benefits under this item shall only be provided to residents of the commonwealth who are citizens of the United States or persons lawfully admitted for permanent residence or otherwise permanently residing under the color of law in the United States; provided further, that the department, as a condition of continued eligibility for assistance under this program, may require disclosure of social security numbers by all members of a family receiving assistance under this item for use in verification of income with other agencies, departments and executive offices; provided further, that if a family member fails to provide a social security number for use in verifying the family's income and eligibility, then the family shall no longer be eligible to receive benefits from this program; provided further, that the department shall administer this program through the following agencies, unless administering agencies are otherwise procured by the department: the Berkshire Housing Development Corporation, Central Massachusetts Housing Alliance, Inc., Community Teamwork Inc., the Housing Assistance Corporation; the Franklin County ~~Regional Housing~~[regional housing](#) and ~~Redevelopment Authority~~[redevelopment authority](#); Way Finders, Inc.; Metro Housing Boston; the Lynn ~~Housing Authority~~[housing authority](#) and ~~Neighborhood Development~~[neighborhood development](#); the South Middlesex Opportunity Council, Inc.; ~~Housing Solutions for Southeastern Massachusetts, Inc.~~[NeighborWorks LLC](#); and RCAP Solutions, Inc.; provided further, that the department shall reallocate financing based on performance-based statistics from ~~under-performing~~[underperforming](#) service providers to above average- service providers in order to move as many families from hotels, motels or shelters into more sustainable housing; provided further, that the department shall use funds provided under this program for stabilization workers to focus efforts on housing retention and to link households to supports, including job training, education, job search and child care opportunities available, and may enter into agreements with other public and private agencies for the provision of ~~these~~[such](#) services; provided further, that a stabilization worker shall be assigned to each household; provided further, that funds shall be used to more rapidly transition families served by the program into temporary or permanent sustainable housing; provided further, that notwithstanding any general or special law to the contrary, not less than 90 days before promulgating or amending any regulation, administrative practice or policy that would alter eligibility for or the level of benefits under this program to less than the benefit level available on June 30, ~~2019~~[2020](#), the department shall file [a report](#) with the house and senate committees on ways and means and the clerks of the house of representatives and senate ~~a report~~ setting forth the justification for such changes including, but not limited to, any determination by the secretary of housing and economic development that available appropriations will be insufficient to meet projected expenses; provided further, that the department shall submit quarterly reports to the house and senate committees on ways and means, which shall include, but not be limited to, the: (i) number of families served, [including available demographic information, as well as the number of families with dependents 0 to 17](#)

years of age, the number of families with dependents 18 to 20 years of age and non-dependent adult household members 18 years of age and older served; (ii) type of assistance given; (iii) number of families assisted through this program (iv) average, minimum and maximum cost per family of ~~the~~such assistance; ~~(iv) number of families assisted through this program~~; and (v) total number of families receiving benefits under 7004-0101 that have received assistance under 7004-0108 during the previous 1, 2, and 3 years, including available demographic information; provided further, that the department shall expend funds under item 7004-0108 on families residing in temporary emergency shelters and family residential treatment or sober living programs under items 4512-0200 and 4513-1130 if ~~the~~such families otherwise meet all eligibility requirements applicable to emergency shelter under item 7004-0101, except that, solely for the purpose of this item, the fact that a family is residing in a temporary emergency domestic violence shelter under item 4513-1130 or in a family residential treatment or sober living program under item 4512-0200 shall not preclude ~~the~~such family from receiving assistance; provided further, that this item shall be subject to appropriation and, in the event of a deficiency, nothing in this item shall give rise to, or shall be construed as giving rise to, any enforceable right or entitlement to services in excess of the amounts appropriated in this item; ~~and~~ provided further, that household assistance funds shall be advanced to the administering agencies at the end of each month and before the next month's disbursement, the amount of which shall be estimated based on the prior month's expenditure with a reconciliation not less than annually; and provided further, that up to \$1,900,440 appropriated for this item in fiscal year 2020 shall not revert but shall be made available for the purposes of this item in fiscal year 2021

Outside Sections

Outside Section 79: COVID-19 Notices to Quit

Summary: During the COVID-19 emergency declaration, requires property owners to accompany any notice to quit for non-payment of rent sent to a tenant with a form that will include:

- i. A statement on whether the tenant provided a declaration invoking protection from the [CDC federal eviction moratorium](#);
- ii. A statement on whether the unit is covered by the eviction moratorium on certain rental properties with federal assistance or federally related financing under the federal CARES Act;¹
- iii. Documentation of any repayment agreement between the property owner and tenant; and
- iv. Information on:
 - A. Available rental assistance programs;
 - B. Applicable trial court rules or orders about eviction cases; and
 - C. Any relevant federal or state legal restrictions on evictions.

During the emergency declaration, also requires the property owner to send an electronic copy of any notice to quit for nonpayment of rent to the Executive Office of Housing and Economic Development (EOHED).

Language:

SECTION 79. (a) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws, chapter 239 of the General Laws or any other general or special law to the contrary, on and after the effective date of this act until the termination of the state of emergency concerning the outbreak of COVID-19 as declared by the governor on March 10, 2020, a notice to quit for nonpayment of rent given in writing by a landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 shall be accompanied by a form that shall include, but not be limited to: (i) an attestation as to whether the tenant provided a declaration form pursuant to the federal Centers for

¹ See [CARES Act Eviction Moratorium](#), Congressional Research Service (April 7, 2020) (The CARES Act's eviction protections only apply to "covered dwellings," which are rental units in properties: (1) that participate in federal assistance programs, (2) are subject to a "federally backed mortgage loan," or (3) are subject to a "federally backed multifamily mortgage loan.")

Covered federal assistance programs include most rental assistance and housing grant programs, including public housing, Housing Choice Vouchers, Section 8 Project-Based Rental Assistance, rural housing programs, and the Low Income Housing Tax Credit program.

A "federally backed mortgage loan" is a single-family (1-4 units) residential mortgage owned or securitized by Fannie Mae or Freddie Mac or insured, guaranteed, or otherwise assisted by the federal government. The term includes mortgages insured by the Federal Housing Administration and the Department of Veterans Affairs, and the Department of Agriculture's direct and guaranteed loans. The act defines a "federally backed multifamily mortgage loan" almost identically to "federally backed mortgage loan" except that it applies to properties designed for five or more families.)

Disease Control and Prevention order entitled “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19”; (ii) an attestation as to whether the dwelling unit is a covered dwelling under section 4024(a)(1) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, and whether the notice to quit is in compliance with section 4024(c) of said act; (iii) documentation of any agreements between the tenant and landlord for the tenant to repay the landlord for non-payment of rent; and (iv) information on: (A) rental assistance programs including, but not limited to, the residential assistance for families in transition program and the emergency rental and mortgage assistance program; (B) applicable trial court rules, standing orders or emergency administrative orders pertaining to actions for summary process; and (C) any relevant federal or state legal restrictions on residential evictions. The form shall also prominently display the following statement:

“THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.”

The executive office of housing and economic development shall develop the form required under this subsection and make it publicly available on its website not later than December 18, 2020. The information in clause (iv) shall be made available in the 5 most common languages in the commonwealth, in addition to English. On or after December 18, 2020, a court having jurisdiction over an action for summary process pursuant to said chapter 239, including the Boston municipal court department, shall not, in an eviction for nonpayment of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without proof of delivery of the form required under this subsection.

(b) Notwithstanding section 11 or section 12 of chapter 186 of the General Laws or any other general or special law to the contrary, from the passage of this act until the termination of the state of emergency concerning the outbreak of the novel coronavirus disease, also known as COVID-19, declared by the governor on March 10, 2020, a landlord shall send electronically a copy of any notice to quit for nonpayment of rent given in writing by the landlord to a residential tenant pursuant to said section 11 or said section 12 of said chapter 186 to the executive office of housing and economic development; provided, however, that personal identifying information in notices to quit received by the executive office of housing and economic development shall not be a public record as defined by clause Twenty-sixth of section 7 of chapter 4 of the General Laws or chapter 66 of the General Laws. The executive office of housing and economic development shall keep any personal identifying information in a notice to quit confidential; provided, however, that the executive office of housing and economic development may share such information with the individuals named in the notice to quit, the landlord or, to the extent permitted under federal law, a regional administering agency or housing consumer education center for the purposes of providing housing stability resources to tenants at risk of eviction.

(c) The executive office of housing and economic development shall issue emergency regulations as necessary to implement this section.

Outside Section 80: COVID-19 Eviction Case Delay for Pending RAFT Applications

Summary: Directs courts to grant a continuance or stay an execution of judgement for non-payment of rent eviction cases caused by COVID-19 if the tenant has a pending application for any emergency rental assistance.

Also requires the trial court to report data on eviction cases, cases participating in pre-trial mediation, the number of parties receiving legal assistance, and other relevant information.

Language:

SECTION 80. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“COVID-19 emergency”, the state of emergency concerning the outbreak of COVID-19 as declared by the governor on March 10, 2020.

“Short-term emergency rental assistance”, temporary financial assistance provided to a residential tenant to prevent an eviction or homelessness under the residential assistance for families in transition program, the emergency rental and mortgage assistance program or any other program established or modified as a result of the COVID-19 emergency and administered by the department of housing and community development, a municipality or a nonprofit entity administering such program, using public funds, on behalf of the department, a municipality or a federal agency to cure rent arrearage or provide financial assistance for moving cost assistance, including the payment of a security deposit.

(b) Notwithstanding chapter 239 of the General Laws or any other general or special law, rule, regulation or order to the contrary, during the COVID-19 emergency, a court having jurisdiction over an action for summary process under said chapter 239, including the Boston municipal court department, shall grant a continuance for a period as the court may deem just and reasonable if, either at the time the answer is timely filed or on the date the trial is scheduled to commence: (i) the tenancy is being terminated solely for non-payment of rent for a residential dwelling unit; (ii) the non-payment of rent was due to a financial hardship related to or exacerbated by the COVID-19 emergency; and (iii) the defendant demonstrates, to the satisfaction of the court, a pending application for short-term emergency rental assistance; provided, however, notwithstanding this subsection, the court may consider any meritorious counterclaim brought in said action for summary process; provided further, that the court shall issue a stay of execution on a judgment for possession if the requirements in clauses (i) to

(iii), inclusive, are met; and provided further, that the court shall not enter a judgment or issue an execution before the application has been approved or denied.

(c) Notwithstanding any general or special law to the contrary, not later than the fifteenth day of each month during the COVID-19 emergency, the executive office of the trial court shall submit a report for the previous month to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on housing and the joint committee on the judiciary that shall include, but not be limited to: (i) the number of actions for summary process entered and filed with each court having jurisdiction over an action for summary process; (ii) the number of default judgments entered, delineated by the reason for the summary process filing; (iii) the number of execution for possession orders granted, delineated by the reason for the summary process filing; (iv) the number of continuances requested and granted due to pending applications for short-term emergency rental assistance pursuant to subsection (b); (v) the number of stays issued due to pending applications for short-term emergency rental assistance pursuant to subsection (b); (vi) the average length of a continuance and stay granted under said subsection (b); (vii) the number of stays requested, granted or denied pursuant to sections 9 and 10 of chapter 239 of the General Laws; (viii) the number of landlords and tenants participating in pre-trial mediation and, to the extent practicable, the outcome of each mediation; (ix) the number of landlords and tenants receiving legal representation and legal services through on-site court diversion and support resources; and (x) any other relevant information as the trial court may decide.

Outside Section 88: Reporting on Eviction Diversion Initiative

Summary: Requires DHCD to report monthly on the Governor’s Eviction Diversion Initiative, including information on:

- a. Expansion of RAFT;
- b. Emergency Rental and Mortgage Assistance Program;
- c. Expansion of Housing Consumer Education Centers;
- d. Rapid rehousing assistance, including HomeBASE;
- e. Expansion of the Tenancy Preservation Program; and
- f. Any other relevant information.

Also requires DHCD to report the number of notices to quit received by EOHEd.

Language:

SECTION 88. Notwithstanding any general or special law to the contrary, on or before the fifteenth day of each month, during the COVID-19 emergency, the department of housing and community development shall submit a report to the house and senate committees on ways and means and the joint committee on housing, detailing the activities of the governor’s COVID- 19 eviction diversion initiative from the prior month. The report shall include a breakdown of each rental and housing assistance program, including, but not limited to: (a) the expansion of the residential assistance for

families in transition program, which shall include: (i) the number of households who applied for assistance; (ii) the number of households approved for assistance; (iii) the number of households denied assistance and reason for such denial; (iv) the minimum, median and average amount of financial assistance awarded; (v) the average number of days between the submission of an application and its approval or denial; (vi) the number of landlords who applied for assistance on behalf of tenants; and (vii) a breakdown of how assistance was utilized by each household receiving assistance, including, but not limited to, curing rental arrears, moving expenses, security deposit, first and last month's rent or other purposes; (b) the emergency rental and mortgage assistance program, which shall include: (i) the number of households who applied for assistance, delineated by rental assistance and mortgage assistance; (ii) the number of households approved for assistance, delineated by rental assistance and mortgage assistance; (iii) the number of households denied assistance and reason for such denial; (iv) the minimum, median and average amount of financial assistance awarded; (v) the average number of days between the submission of an application and its approval or denial; and (vi) a breakdown of how assistance was utilized by each household receiving assistance, including, but not limited to, curing rental arrears, curing mortgage arrears, moving expenses, security deposit, first and last month's rent or other purposes; (c) the expansion of the housing consumer education centers, which shall include: (i) the number of households served, including number of households served by geographic area; and (ii) the number of special services coordinators assigned to each site; (d) rapid rehousing assistance through the HomeBase program, the Strategic Prevention Initiative and any other temporary program established to assist in rapid rehousing of families and individuals which shall include: (i) the number of households receiving assistance; (ii) the type of assistance given; and (iii) the average amount provided to each household receiving assistance; (e) the expansion of the tenancy preservation program which shall include: (i) the number of households served; (ii) the number of trained staff; and (iii) the number of applications filed; and (f) any other relevant information as the department may decide. The report shall also include the number of notices to quit received by the executive office of housing and economic development under section 79.

Outside Section 103: Eviction Diversion Initiative Task Force

Summary: Creates a task force on the Eviction Diversion Initiative to track outcomes and make recommendations on how to improve its effectiveness, efficiency, and reach. Directs the task force to submit a report on its finding and recommendations by January 31, 2021.

Language:

SECTION 103. For the purposes of this section, "COVID-19 emergency" shall mean the state of emergency concerning the novel coronavirus disease outbreak declared by the governor on March 10, 2020.

From the passage of this act until 45 days after the termination of the COVID-19 emergency, there shall be a task force on the COVID-19 eviction diversion initiative. The

task force shall track the initiative's outcomes and make recommendations on how to improve its effectiveness, efficiency and reach.

The task force shall make recommendations relative to all aspects of the COVID-19 eviction diversion initiative including, but not limited to, the administration and accessibility of: (i) Mass211 Inc. services; (ii) intakes and referrals by housing consumer education centers; (iii) short-term emergency rental assistance programs including, but not limited to, the rental assistance for families in transition program and the emergency rental and mortgage assistance program; (iv) the upstream tenancy preservation program; (v) community mediation; (vi) legal representation and related services; (vii) the HomeBASE household assistance program; (viii) the strategic prevention initiative; and (ix) the eviction process in the trial court of the commonwealth. The task force may also propose new initiatives to supplement existing programs intended to prevent evictions or homelessness during the COVID-19 emergency.

The task force shall consist of the following persons or their designees: the chairs of the joint committee on housing, who shall serve as co-chairs; the secretary of housing and economic development; the chief justice of the trial court; the chief justice of the housing court department; and 8 persons appointed by the governor, 4 of whom shall represent organizations dedicated to preserving residential tenancies or housing low or moderate income households and 4 of whom shall represent landlords or real estate organizations. The task force shall consult with other individuals with relevant expertise, including academics, researchers and housing stability service providers, as needed.

The task force shall meet as frequently as the co-chairs deem necessary, but not less than once a month. Not later than January 31, 2021, and as frequently as the co-chairs deem necessary thereafter, the task force shall submit a report of its findings and recommendations, together with drafts of any legislation necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives and the house and senate committees on ways and means; provided, however, that the task force may submit interim reports and recommendations at any time.