

Turk & Quijano, LLP

Attorneys At Law

COVID – 19 TURK & QUIJANO - LEGAL UPDATE

Needless to say, the Covid-19 outbreak has created unprecedented issues for our industry. During the past several days, we have been working with the Housing Courts and governmental officials to attempt to address many of the legal issues which have arisen in a balanced and appropriate manner. The following is a brief update for our clients as to the current status of the court system and the resources available to address these challenging issues:

1. Court Status: Chief Justice Timothy Sullivan has issued a Standing Order which, in effect, will allow for the filing of new actions but will delay any hearings on cases until after April 21, 2020. A case may be advanced for hearing for “good cause” shown. However, in the interim, we have been granted permission to negotiate agreements with tenants to resolve cases and to file them electronically. In other words, hearings will not be conducted on most cases until, at least, April 21, 2020, but we can file cases and try to come to agreements with residents in the interim.
2. Legislation: As legal counsel to the Greater Boston Real Estate Board, we have reviewed and made proposed changes to the statewide eviction ban bill which has been drafted by Governor Baker. Based on the Order issued by the Housing Court, we are not clear whether this bill will be advanced and will notify clients of any developments. We are also aware of several municipal ordinances banning evictions but understand that the Courts may not be adhering to same as they do not appear to have legal effect on evictions under State law.
3. COVID 19 Policies: It is imperative that property owners and managers immediately implement policies for both residents and staff. We have been requested by many clients to assist in creating a model policy for their use and wanted to share our draft policy with all of our clients. Please email jturk@tqlawfirm.com to obtain a copy of the draft policy or if you want to discuss your policies.
4. COVID -19 Legal Response: In order to insure our clients receive immediate advice and response to COVID – 19 issues, we have established an expedited COVID -19 Legal Response protocol in our office. If you have a COVID-19 related legal issue, please contact Attorney Turk at jturk@tqlawfirm.com or at (781) 956-4089 or place the word “Covid” in the RE: line of your email and we will be sure that the you receive an immediate response. We have been remaining up to date on these legal issues and



consulted with health care professionals to attempt to provide timely legal advice on these issues.

5. Turk & Quijano: Our office will continue to be fully operational during this crisis. All nine (9) attorneys and case managers are accessible by email and phone and will continue to be able to immediately address all your legal needs. You may continue to call our office during normal business hours or reach us by email or by cell at any time.
6. Legal Cases: As noted, we will continue to be able to address any legal issues which arise during this crisis. However, as an industry, we want to insure that we are balancing both the unprecedented issues which this crisis may raise for residents against the obvious need for residents to pay rent and comply with their leases. In this regard, we will be reaching out to clients to discuss the following options:
 - a. Non-Payment Cases:
 - i. Pending Actions: We will be reaching out to all residents with pending actions to attempt to enter into payment agreements or seek interim rent payments pending the re-opening of the courts. We will be requesting clients to provide us with ledgers, acceptable payment terms, and contact information for residents with pending cases such that we can attempt to enter these agreements and file same electronically. We are also discussing with various agencies the options available to access RAFT and other emergency assistance during this period.
 - ii. New Actions: We are suggesting that, rather than serve Notices to Quit for Non-payment at this time, we initially reach out to residents by letter or email to request them to pay the rent or contact our office to discuss a payment plan. If we are able to arrange such a plan, we would then proceed with the legal process in a “friendly” manner to file the agreement with the court. This measured approach will allow us to determine cases of hardship caused by this virus in advance and attempt to enable residents with payment issues to avoid evictions by entering into agreements.
 - b. Lease Violations:
 - i. Pending Actions: We will be reaching out to clients directly to discuss whether their cases may be resolved by a court ordered behavioral agreement or, if not, whether we should request leave of court to proceed with the case. In cases concerning the health and safety of other residents, we may be able to proceed with these cases.
 - ii. New Actions: We believe that the safety and security of the residents, as well as the requirements of lease compliance, dictate that actions for material lease violations continue to proceed. As such, we would recommend that we continue to issue lease violation letters and Notices Terminating Tenancy

where appropriate. As many of these Notices would not expire until April 30, 2020, the timely services of such notices for material lease violations would seem appropriate. However, we are also able to attempt to enter into court ordered or less formal behavioral agreements in the interim if you desire such a resolution.

- c. Other Legal Matters: We remain available to deal with any other legal issues which may arise in relation to your property, both COVID related and otherwise.

These issues are evolving daily (if not hourly) and we will continue to update and advise clients as necessary.

Finally, we wanted to take a second to recognize the amazing response of our industry. During the past 24 hours, we have spoken to countless clients whose sole concern has been the health and safety of residents and staff. We have seen emails from our clients to tenants offering to buy them food or pick up their medication for them. It is times like these that we are reminded of all the reasons we are so proud to be part of this industry and are confident that, working together as a team, we will persevere through these difficult times.

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