

## **MASSACHUSETTS COVID-19 LEGAL RESTRICTIONS UPDATE**

**June 16, 2021**

Just as Mark Twain famously said, “news of my death has been greatly exaggerated”, the anticipated end of the COVID-19 eviction restrictions in Massachusetts has once again been delayed. While the current State Law, Chapter 257, was set to expire with the expiration of the COVID-19 State of Emergency on June 15, 2021, the legislature has extended the provisions of this law as follows:

- I. Notice to Quit: Landlords must continue to attach the Executive Office of Housing and Economic Development (EOHED) Notice of Rights to all Notices to Quit for Non-payment of rent AND upload them to the state website until the expiration of the CDC Eviction Order, which is currently set to expire June 30, 2021. The Commonwealth will be creating a new form in response to this new legislation. Pending creation of this new form, Landlords should continue to use the existing form and upload them to state website upon service at [mass.gov/noticetoquit](https://www.mass.gov/noticetoquit).
  
- II. Mandatory Stay of Eviction Actions: Through April 1, 2022, Courts will continue to be prohibited from entering judgments in non-payment of rent cases if there is a pending application for third-party funds, i.e., RAFT. Thus, the Court MUST continue a case until the application is processed if: (a) the case is for non-payment of rent, (b) the non-payment was due to a COVID-19 related economic hardship; and (c) there is a pending application for rental assistance. In addition, if a judgment has entered, the court is required to issue a stay of execution until the application for rental assistance is processed. Again, this provision of the law now remains in effect through April 1, 2022.

It is also important to note that the CDC Order, which prohibits the physical removal of a tenant who has submitted a CDC Declaration to the Landlord, remains in effect until June 30, 2021, unless extended by the CDC. Likewise, the CFPB Rule requiring the inclusion of a further notice of rights with any Notices to Quit for Non-payment of rent and Summary Process Complaints remains in effect until the expiration of the CDC Order. For a copy of this required notice, please see our prior Legal Updates or feel free to contact our office.

While the light at the end of the tunnel is clearly in sight, it appears that the tunnel just became a bit longer.

The foregoing is for informational purposes only and should not be considered legal advice. Please feel free to contact our office if you have any questions or need legal assistance.

