

**EXTENSION OF CDC EVICTION MORATORIUM AND  
NEW MASSACHUSETTS HOUSING COURT STANDING ORDER**

**July 1, 2021**

**CDC ORDER EXTENDED THROUGH JULY 31, 2021**

Once again, the light at the end of the proverbial tunnel just got a bit more distant. Specifically, the Centers for Disease Control (“CDC”) has again extended its prior Order, which was set to expire on June 30, 2021, through July 31, 2021. This means a tenant or resident who has submitted a “CDC Declaration” may not be physically evicted for non-payment of rent through July 31, 2021, unless extended once more by the CDC. While President Biden has stated this will be the final extension, only time will tell.

**EXTENSION OF CHAPTER 257**

Likewise, as explained in our prior update, Massachusetts General Law Chapter 257 has been extended through April 1, 2022. This means that tenants with pending RAFT applications cannot be evicted for non-payment of rent while such application is pending. Additionally, 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 upon service at [mass.gov/noticetoquit](https://www.mass.gov/noticetoquit). This requirement remains in effect until the expiration of the CDC Order. Finally, the Consumer Financial Protection Bureau (“CFPB”) Rule requiring the inclusion of an additional notice of rights with all Notices to Quit for non-payment of rent and Summary Process Complaints also remains in effect until the expiration of the CDC Order. For further information, or a copy of either of the aforementioned notices, please see our prior Legal Updates or feel free to contact our office.

**NEW HOUSING COURT STANDING ORDER**

On June 29, 2021, the Massachusetts Housing Court issued a new standing order addressing both the scheduling of eviction cases and the physical re-opening of the courts. Effective July 1, 2021, the following changes have been implemented:

1. The two-tier system will remain in effect. As such, all summary process cases will initially be scheduled for a virtual tier-1 mediation. If the parties are unable to come to a resolution at the mediation, the court will then schedule an in-person tier-2 trial date no sooner than 14 days later. However, for cases filed after July 1, 2021, the courts WILL now enter defaults if the tenant does not appear for mediation. This is a significant change from the prior standing order which did not allow for defaults to enter until the trial date.



2. All trials and evidentiary hearings will now be in-person. Mediation and non-evidentiary matters will continue to be via Zoom. A party may request to appear by Zoom at the court's discretion.
3. The scheduling of jury trials will be resuming at this time. However, there is a significant backlog of such cases, and limited availability of courtrooms equipped to accommodate jury trials, which may result in some delays.
4. Any execution for possession which expires due to the CDC Order or other mandated stay pursuant to c. 257 will be automatically extended for 90 additional days and a new execution can be issued upon written request.

## **NEW EMERGENCY RENTAL ASSISTANCE PAYMENTS TO TENANTS**

The Department of Housing and Community Development (“DHCD”) has also implemented a new payment policy under the Emergency Rental Assistance Program (“ERAP”) II program, effective June 28, 2021. The new payment policy allows Tenants to receive third-party funding *directly*. In effect, where the Landlord has refused to accept the funds or participate in the process, the agency may now issue the payment directly to the Tenant who is then required to tender the funds to the Landlord. The policy confirms that such direct tenant payments are only allowed after the Landlord has failed to respond to requests and notices or refused to accept funds. Local administering agencies will be charged with ensuring that the funds are used strictly for their intended purpose by meeting with Tenants and requiring them to sign an Agreement confirming that any amounts received will be used only to preserve housing, and that such amounts will be disbursed to the Landlord by the Tenant within thirty (30) days of signing the required Agreement. This new Policy also confirms that: (i) payments for rental arrears under this program will be limited to a maximum of \$15,000; (ii) stipends for future rent will not be allowed to exceed monthly contract rent, and (iii) any such payments to Tenants will not be considered taxable income for the Tenant, per IRS guidelines.

This program is in addition to the myriad of other funding programs available to assist residential tenants in non-payment of rent cases. For further information on these programs, feel free to contact our office.

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.

