

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

**August 2, 2021**

### The Expiration of the CDC Order

As anticipated, and despite several prior extensions, the Centers for Disease Control Eviction Moratorium (“CDC Order”) finally expired on July 31, 2021. As such, and assuming Congress does not pass any law reviving this Order, the prohibition against physically evicting a tenant that had provided the landlord with a CDC Declaration is no longer in effect.

### The “new” EOHED Notice of Rights

While the CDC Order has now expired, certain requirements of Chapter 257 still remain in effect in Massachusetts. Most importantly, the Executive Office of Housing and Economic Development (“EOHED”) has now updated the Notice of Rights which must be attached to all Notices to Quit for Non-payment of rent. The good news is that the new form requires significantly less information than prior versions, now only requiring Landlords to confirm if there was a prior payment agreement with the tenant and, if so, to include a copy of that agreement. The requirement to upload the Notice to Quit with the attached Notice of Rights to the state website following service also remains in effect. It is extremely important to discard the prior form and to ensure that you use only the new version going forward. A copy of the new form is attached hereto.

The new form suggests that this requirement will remain in effect until January 1, 2023. As this appears to conflict with the date the statute itself is set to expire, we have been in contact with EOHED legal counsel to confirm the basis for requiring this form following the expiration of the statute and are awaiting their response. For now, however, please ensure that you complete and serve the new Notice of Rights with your Notices to Quit for Non-payment of Rent and upload to the state website. We will continue to keep you apprised of any developments as we work through these everchanging rules and regulations.

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.



**ATTESTATION FORM TO ACCOMPANY RESIDENTIAL NOTICE TO QUIT**

**THIS NOTICE TO QUIT IS NOT AN EVICTION.  
YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT.  
YOU ARE ENTITLED TO A LEGAL PROCESS IN WHICH YOU CAN FIGHT THE EVICTION.  
ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.**

*Pursuant to section 1(a) of chapter 257 of the Acts of 2020, as amended by chapter 20 of the Acts of 2021, a notice to quit for nonpayment of rent given by a landlord to a residential tenant pursuant to section 11 or section 12 of chapter 186 of the General Laws must be accompanied by this attestation form. A landlord’s obligation to provide her/his tenant(s) with this attestation form begins on the effective date of the law, December 31, 2020, per the [Trial Court of Massachusetts Housing Department’s Third amended Housing Court Standing Order 6-20](#), [Massachusetts District Court Second Amended Standing Order 10-20](#) and [Boston Municipal Court Second Revised Standing Order 11-20](#) and lasts until January 1, 2023.*

*Instructions for completing this attestation form can be found here: [Notice to Quit Attestation Form and Submission Information | Mass.gov](#)*

Name(s) of landlord(s): \_\_\_\_\_ (“Landlord”)

Name(s) of tenant(s): \_\_\_\_\_ (“Tenant”)

Address where the Tenant lives: \_\_\_\_\_ (“Unit”)

By signing below, Landlord is swearing that all of the following statements are true and correct:

- 1. There (check one) are  are not  existing written or verbal agreements between the Tenant and Landlord related to the repayment of overdue rent. If there are any existing written agreements, a copy of each agreement must be attached to this attestation form. If there is a verbal agreement, check this box.

*Signed under pains and penalties of perjury:*

\_\_\_\_\_ Date: \_\_\_\_\_

Printed name: Title (if signing on behalf of an entity):

*Additional signatures, if necessary:*

\_\_\_\_\_ Date: \_\_\_\_\_

Printed name:

\_\_\_\_\_ Date: \_\_\_\_\_

Printed name:

## **Information for the Landlord and the Tenant**

### *Rental Assistance*

If you are having trouble paying your rent, there is help available. The Department of Housing and Community Development runs several rental assistance programs including the residential assistance for families in transition program (RAFT) and the emergency rental and mortgage assistance program (ERMA). A good way to learn more about these programs is to call 211 or visit DHCD's web page at <https://hedfuel.azurewebsites.net/raa.aspx> to be referred to your local Housing Consumer Education Center. You can also learn more at <https://www.mass.gov/covid-19-getting-help-with-housing-costs>.

### *Massachusetts Court Rules on Evictions*

The Massachusetts trial court **rules on summary process cases** can be found here: <https://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

The Massachusetts trial courts have issued a number of **standing orders** that affect how eviction cases are filed and processed. You can find those orders on the trial courts' website: <https://www.mass.gov/resource/court-system-response-to-covid-19>

The Courts' Standing Orders require that any case filing on or after January 25, 2021 must be accompanied by an affidavit swearing that this attestation form has been given to the tenant. The affidavit created by the Trial Court of Massachusetts must be used, and can be found here: <https://courtforms.jud.state.ma.us/publicforms/TC0012>

## **Thông Tin Dành Cho Chủ Nhà Và Người Thuê Nhà**

### *Trợ Cấp Trả Tiền Thuê Nhà*

Nếu quý vị đang gặp khó khăn trả tiền thuê nhà, hiện có chương trình hỗ trợ quý vị. Sở Phát Triển Nhà Ở Và Cộng Đồng (Department of Housing and Community Development) điều hành vài **chương trình trợ cấp trả tiền thuê nhà** gồm có chương trình trợ cấp nhà ở cho các gia đình đang chuyển tiếp (RAFT) và chương trình thuê nhà khẩn cấp và trợ cấp trả tiền vay thế chấp (ERMA). Cách hiệu quả nhất để tìm hiểu thêm về các chương trình này là gọi 211 hoặc vào trang web DHCD tại <https://hedfuel.azurewebsites.net/raa.aspx> để được giới thiệu Housing Consumer Education Center (Trung Tâm Giáo Dục Người Tiêu Dùng Về Nhà Ở) tại địa phương. Quý vị có thể tìm hiểu thêm tại trang web <https://www.mass.gov/covid-19-getting-help-with-housing-costs>.

### *Phán Quyết Của Tòa Án Ở Massachusetts Về Thủ Tục Trục Xuất Người Thuê Nhà*

Tòa án tiểu bang Massachusetts phán quyết thủ tục đơn giản cho các vụ kiện tụng sau đây:  
<http://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

Tòa án của tiểu bang Massachusetts đã ban hành **án lệnh hiện hành** có ảnh hưởng đến cách nộp đơn thưa kiện và xử lý các vụ kiện về trục xuất người thuê nhà. Quý vị có thể tìm hiểu thêm về các án lệnh trên trang web của tòa án: <https://www.mass.gov/resource/court-system-response-to-covid-19>

Lệnh hiện hành của tòa án yêu cầu tất cả hồ sơ vụ kiện đã nộp vào ngày hoặc trước ngày 25 tháng 1 năm 2021 phải kèm theo bản khai có tuyên thệ rằng chủ nhà đã đưa mẫu chứng nhận cho người thuê nhà. Quý vị phải dùng bản khai có tuyên thệ của Tòa Sở Thẩm Tại Massachusetts đã tạo và có thể tìm thấy tại: <https://courtforms.jud.state.ma.us/publicforms/TC0012>

## **Información para el propietario y el inquilino**

### *Asistencia para alquileres*

Si está teniendo dificultades para pagar su alquiler, hay ayuda disponible. El Departamento de Vivienda y Desarrollo Comunitario administra varios programas de asistencia para alquileres que incluyen el programa de asistencia residencial para familias en transición (*RAFT, Residential Assistance for Families in Transition*) y el programa de asistencia de emergencia para alquileres e hipotecas (*ERMA, Emergency Rental and Mortgage Assistance*). Una buena manera de informarse más sobre estos programas es llamar al 211 o visitar la página web de DHCD en <https://hedfuel.azurewebsites.net/raa.aspx> para que lo refieran a su Centro de Educación al Consumidor sobre la Vivienda local. Usted también puede informarse más en <https://www.mass.gov/covid-19-getting-help-with-housing-costs>.

### *Reglamento del Tribunal de Massachusetts sobre desalojos*

Las **normas sobre casos de proceso sumario** del tribunal de primera instancia de Massachusetts pueden encontrarse aquí: <http://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

Los tribunales primera instancia de Massachusetts han emitido varias **resoluciones permanentes** que afectan cómo se inician y se procesan los casos de desalojo. Usted puede encontrar esas resoluciones en el sitio web de los tribunales de primera instancia: <https://www.mass.gov/resource/court-system-response-to-covid-19>

Las Resoluciones Permanentes de los Tribunales exigen que cualquier caso que se presente a partir del 25 de enero de 2021 debe estar acompañado de una declaración jurada o affidavit que dé testimonio que este formulario de declaración ha sido entregado al inquilino. Debe usarse la declaración jurada creada por el Tribunal de Primera Instancia de Massachusetts, y puede encontrarla aquí: <https://courtforms.jud.state.ma.us/publicforms/TC0012>

## **Informações para o locador e locatário**

### *Assistência para aluguel*

Se você estiver passando por dificuldades para pagar o aluguel, existem programas de auxílio disponíveis. O Departamento de Habitação e Desenvolvimento Comunitário (*Department of Housing and Community Development*) administra vários programas de auxílio para aluguel, incluindo o programa de assistência residencial para famílias em transição (RAFT) e o programa de assistência emergencial para aluguel e hipoteca (ERMA). É fácil obter mais informações sobre esses programas: basta ligar para 211 ou acessar a página do DHCD no endereço <https://hedfuel.azurewebsites.net/raa.aspx> e você será encaminhado ao Centro de Educação Residencial para o Consumidor (*Housing Consumer Education Center*) da sua região. Você também pode obter mais informações em <https://www.mass.gov/covid-19-getting-help-with-housing-costs>.

### *Regras do tribunal de Massachusetts sobre despejos*

As regras do tribunal de primeira instância de Massachusetts referentes aos casos de despejo podem ser encontradas no endereço <http://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

Os tribunais de primeira instância de Massachusetts emitiram uma série de **ordens permanentes** que afetam o arquivamento e processamento dos casos de despejo. Você pode encontrar essas ordens no site dos tribunais: <https://www.mass.gov/resource/court-system-response-to-covid-19>

As ordens permanentes dos tribunais exigem que qualquer processo iniciado em 25 de janeiro de 2021 ou após essa data seja acompanhado por uma declaração juramentada de que o formulário de atestado foi entregue ao locatário. A declaração juramentada criada pelo Tribunal de Primeira Instância de Massachusetts deve ser usada e pode ser encontrada no endereço <https://courtforms.jud.state.ma.us/publicforms/TC0012>

## Enfòmasyon pou Mèt Kay ak Lokatè a

### *Asistans pou Lokasyon*

Si w gen pwoblèm pou peye kay ou lwe a, gen èd ki disponib. Depatman Lojman ak Devlopman Kominotè a ap dirije plizyè pwogram asistans pou lokasyon, sa enkli asistans rezidansyèl pou fanmi ki nan pwogram tranzisyon an (residential assistance for families in transition program-RAFT) ak pwogram asistans dijans pou lokasyon ak ipotèk (emergency rental and mortgage assistance program-ERMA). Yon bon fason pou aprann plis bagay sou pwogram sa yo se pou rele 211 oswa pou vizite paj entènèt DHCD la nan <https://hedfuel.azurewebsites.net/raa.aspx> pou yo refere w bay Sant lokal ou pou Edikasyon Konsomatè Lojman an. Ou kapab aprann plis bagay tou nan <https://www.mass.gov/covid-19-getting-help-with-housing-costs>.

### *Règ Tribinal Massachusetts sou Degèpisman*

Yo kapab jwenn isit la règ tribinal premyè enstans Massachusetts sou ka enfraksyon somè yo: <http://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

Tribinal Premyè Enstans Massachusetts te mete deyò yon sèten kantite **lòd pèmanan** ki afekte kijan yo ranpli epi yo trete ka degèpisman yo. Ou kapab jwenn lòd sa yo tou sou sit entènèt tribinal premyè enstans lan: <https://www.mass.gov/resource/court-system-response-to-covid-19>

Lòd Pèmanan Tribinal yo egzije ke, depi yon moun depoze nenpòt ki dosye nan dat 25 Janvyè oswa nan yon dat aprè sa, li dwe tou vini ak yon deklarasyon sou sèman ki di ke li te bay lokatè a atestasyon sa a. Li sipoze itilize deklarasyon sou sèman an ke Tribinal Premyè Enstans Massachusetts la fè, e li kapab jwenn li isit la: <https://courtforms.jud.state.ma.us/publicforms/TC0012>

## 向房东和租户发出的信息

### 租金援助

如果您在付房租方面遇到困难，可以寻求帮助。住房与社区发展部（DHCD）目前正在开展几项租金援助计划，其中包括家庭过渡住房援助计划（RAFT）和紧急租金和抵押贷款援助计划（ERMA）。了解有关这些计划更多信息的一种好方法是拨打211号码，或查看DHCD的网页 <https://hedfuel.azurewebsites.net/raa.aspx>，请求转介至当地住房消费者教育中心。您也可以在网站 <http://www.mass.gov/covid-19-getting-help-with-housing-costs> 解更多信息。

### 马萨诸塞州有关驱逐的法院规定

可在此处查找马萨诸塞州初审法院关于加速程序案件的规定 <http://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

马萨诸塞州初审法院已发布多项**暂行命令**，这些命令会影响驱逐案的提交和处理方式。您可以在初审法院的网站上查看这些命令：<https://www.mass.gov/resource/court-system-response-to-covid-19>

法院暂行命令要求在2021年1月25日或之后提交的任何案件必须随附一份宣誓已将本声明表交向租户的宣誓书。必须使用由马萨诸塞州初审法院编写的宣誓书，可在以下网址查找该宣誓书：<https://courtforms.jud.state.ma.us/publicforms/TC0012>