



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Jennifer D. Maddox, Undersecretary

PHN 2020-13

To: All Private Affordable Housing Owners and Managers
From: Catherine Racer, Associate Director, Division of Housing Development
Subject: Lease Enforcement and Evictions During COVID-19 Emergency
Date: March 25, 2020

The Baker-Polito Administration commends all of you who have been working so diligently to protect Massachusetts tenants who may suffer economic hardship during this very challenging time. The administration has developed this recommendation to defer evictions from affordable housing supported by the Commonwealth. We hope that owners of multifamily rental projects that do not receive direct Commonwealth support will follow the lead of the affordable housing ownership community.

1. DHCD Urges Affordable Housing Owners to Suspend All Action on Non-Emergency Evictions During the State of Emergency.

DHCD recognizes the impact of the state of emergency on tenants, particularly those whose income has been reduced due to illness, school closures, lack of child care, layoffs, job loss or reduced hours. In the interest of avoiding adding to the burden on the statewide homeless shelter system, DHCD urges owners of affordable housing assisted through DHCD to defer all action on non-emergency evictions during the state of emergency.

Without limitation, except in situations involving violent or drug-related criminal activity that seriously affects the health and safety of other residents, DHCD urges owners to refrain from (1) sending notices to quit, (2) filing new eviction cases, (3) taking action to pursue to judgment any currently pending eviction cases, and (4) seeking post-eviction enforcement of judgments including issuance of an execution for possession of a public housing unit. DHCD also urges owners to show lenience to tenants who allow non-leaseholder friends or family to temporarily reside in their unit as overnight guests, as well as tenants who take extended absences from assisted units without permission, during the state of emergency.

2. Suspension of Non-Emergency Housing and District Court Hearings, Including Summary Process Evictions

Please note that, in the interest of the health and safety of the parties and the general public, the Massachusetts Housing Court has [suspended all non-emergency proceedings](#), including non-emergency summary process evictions, until at least April 21st. The Massachusetts District Court also has suspended non-emergency hearings until at least April 6, 2020. As a result, the courts will not hold any non-emergency eviction hearings for the next several weeks. If there is an emergency situation, such as violent

criminal behavior posing a threat to resident health and safety, the courts will consider whether the situation warrants an earlier hearing. While parties are encouraged to reach out of court agreements for judgment, any tenant not represented will be referred to a housing specialist for review of the agreement by telephone.

3. Income and Rent Redetermination for Tenants Affected by State of Emergency

Owners and managers should be aware that tenants in units assisted with mobile or project-based rental assistance are permitted to request an interim redetermination of their income and/or expenses at any time. If applicable and with reasonable documentation substantiating the decrease, owners should allow multiple income redeterminations if needed and should be lenient during this emergency period with regard to documentation accepted to verify the decrease in income or increase in deductions for the purpose of rent calculation. Examples of acceptable documentation may include: electronic verification such as pictures of pay stubs or letter from employer, notices of work furloughs or closings. Such information can be prospective (i.e. notice that restaurant will be shut) as well as retrospective (pay stubs). Owners should also strive to complete redeterminations and any administrative businesses electronically or over the phone as far as possible.

In issuing this guidance, DHCD wants to again acknowledge the ongoing - and often extraordinary- efforts of affordable housing owners and managers to safeguard their tenants during this crisis. We appreciate the leadership of the many owners and managers that have already indicated that they plan to observe a moratorium on evictions during the state of emergency. We know owners and managers are working closely with state and local public officials to address tenant needs in many ways, and recognize the impact that your collective efforts will have in helping some of our most vulnerable residents weather this storm.