

April 5, 2020

The Honorable Governor Charles Baker
Senate President Karen Spilka
Speaker of the House Robert DeLeo
Members of the Massachusetts Legislature

We call upon the Governor, Senate, and House to pass a clear moratorium on evictions and foreclosures NOW and support renters and homeowners across the Commonwealth during this global COVID-19 pandemic.

As the first day of the month comes and goes, hundreds of thousands of Massachusetts renters and homeowners agonize over whether they will be able to make rent and mortgage payments or be forced to face eviction and homelessness, at a time when they have been told to stay home. We urge the Governor and the Legislature to take meaningful and swift action to protect the lives of Massachusetts renters and homeowners during this unprecedented public health crisis by passing a strong eviction moratorium.

At its core, a moratorium on evictions and foreclosures is an emergency public health protection measure, one that must match the extraordinary restrictions already placed on businesses, schools, and workers across the globe. Governor Baker has reiterated the need to stay home and maintain social distancing, the best protection against preventing COVID-19 infections. The Governor and public health officials have warned that the worst is yet to come in Massachusetts. Keeping people at home is a matter of life and death.

In order to meet these critical public health goals it is imperative that evictions be paused from start to finish. Placing a clear and temporary freeze on all aspects of eviction is the only way to ensure that people stay in place to prevent the spread of the coronavirus. There are several key principles that we believe must be included in any eviction moratorium legislation for it to meet its public health goals:

1. The moratorium must apply to all stages of eviction. This must explicitly include a temporary ban on:
 - a. sending a Notice to Quit or termination of tenancy letter;
 - b. filing (including electronically) a new eviction case;
 - c. serving a summons and complaint on a tenant;
 - d. scheduling non-emergency court hearings or events;
 - e. entering judgments for possession (whether by default, agreement, or other);
 - f. levying on executions to forcibly remove tenants.
2. The moratorium should contain only very narrow exceptions that allow certain evictions to move forward. In the event of a dire emergency, law enforcement agencies are still be available and landlords and tenants can file emergency actions under the trial court's current standing orders.

3. The moratorium must remain in place at least until the Governor's emergency declaration is rescinded plus a reasonable recovery period thereafter.

The House has now passed a moratorium bill, H.4615. That bill addresses many of the key principles noted above, and is a strong foundation for enacting a pause on evictions. That temporary pause must start from the first eviction notice sent to a tenant through the time a tenant could be forcibly removed from her home by a sheriff. H.4615 can and should be further improved, mainly by ensuring that any exceptions to the moratorium are narrow and reflect only the most serious emergencies, and also by simplifying the language that pauses late fees. But it is a good starting place and we urge that, with these improvements, it be enacted as soon as possible.

Since March 16, 2020, when the courts began instituting closures and reduced services, over 480 new eviction cases have been filed in Massachusetts Housing Courts. This number represents hundreds of families possibly endangering themselves, their friends and families, and the public as they may move or become homeless.

We, and our broad network of organizations, stand ready to work together to consider next-phase issues with the time and consideration they deserve, including how to provide mortgage and rent relief, how federal legislation will affect Massachusetts, and other questions that will arise as we anticipate the end of the emergency. However, in order to protect lives today we urge the Governor and the Legislature to act decisively to pass an eviction and foreclosure moratorium that will keep our citizens and community safe.

We appreciate the efforts that Senate President Spilka, Speaker DeLeo, and other members and their staff have made to listen to and consider our proposals. We thank you for your leadership during this difficult time.

Sincerely,