



BAKER ADMINISTRATION IMPLEMENTS NEW EVICTION DIVERSION INITIATIVE

With the eviction and foreclosure moratorium imposed by Chapter 65 of the Acts of 2020 set to expire on October 17, 2020, Governor Baker has enacted new measures to provide financial relief and housing relocation assistance to renters and small landlords impacted by the COVID-19 crisis. Named the Eviction Diversion Initiative (“EDI”), the plan commits \$171 million this fiscal year, with \$112 million of additional funding to support new and expanded housing stability programs in the following allocations:

- \$100 million to expand the capacity of the Residential Assistance for Families in Transition Program (“RAFT”). RAFT is a homelessness prevention program funded by the Department of Housing and Community Development that provides short-term financial assistance to low-income families who are homeless or at risk of becoming homeless. These funds will increase the maximum benefit through this program from \$4,000 to \$10,000 per household.
- \$48.7 million to HomeBASE and other rapid rehousing programs for when tenants are evicted and are at risk of homelessness. HomeBASE is the Commonwealth’s re-housing benefit created to provide families who are in the emergency shelter assistance system an opportunity to overcome some of the financial barriers to ending their homelessness.
- \$12.3 million to provide legal representation and related services to renters and landlords prior to entering the eviction process, as well as community mediation to assist them with resolving cases outside of court.
- \$6.5 million to expand the nine regional Housing Consumer Education Centers. Housing Consumer Education Centers offer answers to a wide range of questions about all types of housing problems. Services are available to tenants, landlords, prospective buyers and homeowners, and are designed to maximize housing stability, strengthen investments and minimize disputes.
- \$3.8 million for the Tenancy Preservation Program (“TPP”). The TPP is a homelessness prevention program that helps find solutions to disability-related issues.

The EDI results from the coordinated efforts of the Massachusetts trial courts, the Governor’s office and various Massachusetts housing agencies. According to Governor Baker, the goal of the EDI is to keep tenants in their homes and to ease the ongoing expenses of landlords once the moratorium expires. Given that the Governor is unlikely to extend the moratorium, the EDI attempts to strike a balance between renters’ and landlords’ needs and to mitigate the effects of the COVID-19 crisis on each.

The EDI does not prevent the implementation of the moratorium established by the Centers for Disease Control and Prevention (“CDC”), which halts residential evictions to prevent the further spread of COVID-19. The CDC moratorium prevents evictions through December 2020 for nonpayment for qualified renters who submit a written declaration to their landlord.

In the declaration, the renter must attest that:

- Best efforts have been used to obtain all available government assistance for rent or housing;
- Certain income requirements have been satisfied and the renter is still unable to pay full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary out-of-pocket medical expenses;
- Best efforts have been made to make timely partial payments that are as close to the full rent payment as the individual's circumstances may permit;
- If evicted, homelessness would become likely or result in the need to move into a homeless shelter or new residence shared by other people who live in close quarters;
- There is an understanding that rent or housing payments must still be paid; and
- The renter will comply with other obligations that may exist under the tenancy, lease agreement or similar contract.

Notwithstanding the CDC moratorium and the renter's submission of the declaration, landlords may file eviction lawsuits and courts may process the lawsuits and enter judgments, but courts will not issue an execution permitting a landlord to physically evict a tenant until after the expiration of the CDC moratorium.



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