

Lifting of the Eviction Moratorium

October 17, 2020

- Governor Baker allowed the Eviction Moratorium, which went into effect on April 20th, 2020 to expire on October 17, 2020
- The CDC Moratorium, which went into effect nationally on September 4th, 2020, took effect in Massachusetts on October 18th, 2020.
- Over \$429 million in back rent is due
- Up to 1/3 of Massachusetts tenants have not been able to pay their full rent
- Unemployment remains high and, for many, unemployment insurance has run out
- Housing Court will be running 5 days a week, 8 AM to 4 PM hearing up to 3 trials per hour

CDC Moratorium

Prevents eviction on cases where the tenant owes rent due to illness or income loss until December 31, 2020

However, courts have indicated they may still process the eviction cases

Tenants **MUST** file a Declaration as soon as possible (best if before receiving a Notice to Quit)

<https://massaccess.suffolklitlab.org/housing/#CDC>

Applies regardless of immigration status

CDC Moratorium Eligibility Criteria

INCOME	RENT	ASSISTANCE	HOMELESS	PROMISE
<p>Expect to have income less than \$99,000 in 2020, or have received a stimulus check, or not have been required to report income to the IRS in 2019;</p>	<p>be unable to pay full rent due to an income loss or “extraordinary” medical bills</p>	<p>have used best efforts to obtain governmental rent assistance,</p>	<p>be likely to become homeless or forced to “live in close quarters” in another residence if evicted, and</p>	<p>promise to “make timely partial payments that are as close to the full payment as the individual’s circumstances may permit.”</p>

RAFT Funding

- Apply at your local [HCEC](#) or call 211
- Governor Baker just announced he will add \$100 million to this fund
- Tenants and landlords may be able to obtain up to \$10,000 in rental assistance if their hardship is COVID-related (\$4,000 if not COVID-related)
- RAFT will prioritize those with court cases, but don't need court case

Housing Court Reopening

CASES	Courts have begun scheduling cases that were paused during the Moratorium. All hearings will be via Zoom Conference unless there are extenuating circumstances.
ANSWER DEADLINE	Answers, Discovery Demands, and Jury Requests will be due <u>3 days before</u> the first court date. The Summons and Complaint will NOT list the hearing date <u>or</u> the Answer Date. The parties will receive a separate notice from the Court.
MEDIATION	Every case will have a first court date that is a status conference and/or mediation
TRIAL	The second court date will be the trial, unless the tenant chooses jury trial
CAUTION	CAUTION: many landlord attorneys and the larger landlords will be approaching tenants outside of court to make a legally-binding agreement.

Answer, Discovery & Jury Demand

Every tenant who receives a Summons & Complaint should fill out an Answer, Discovery and Jury Demand.

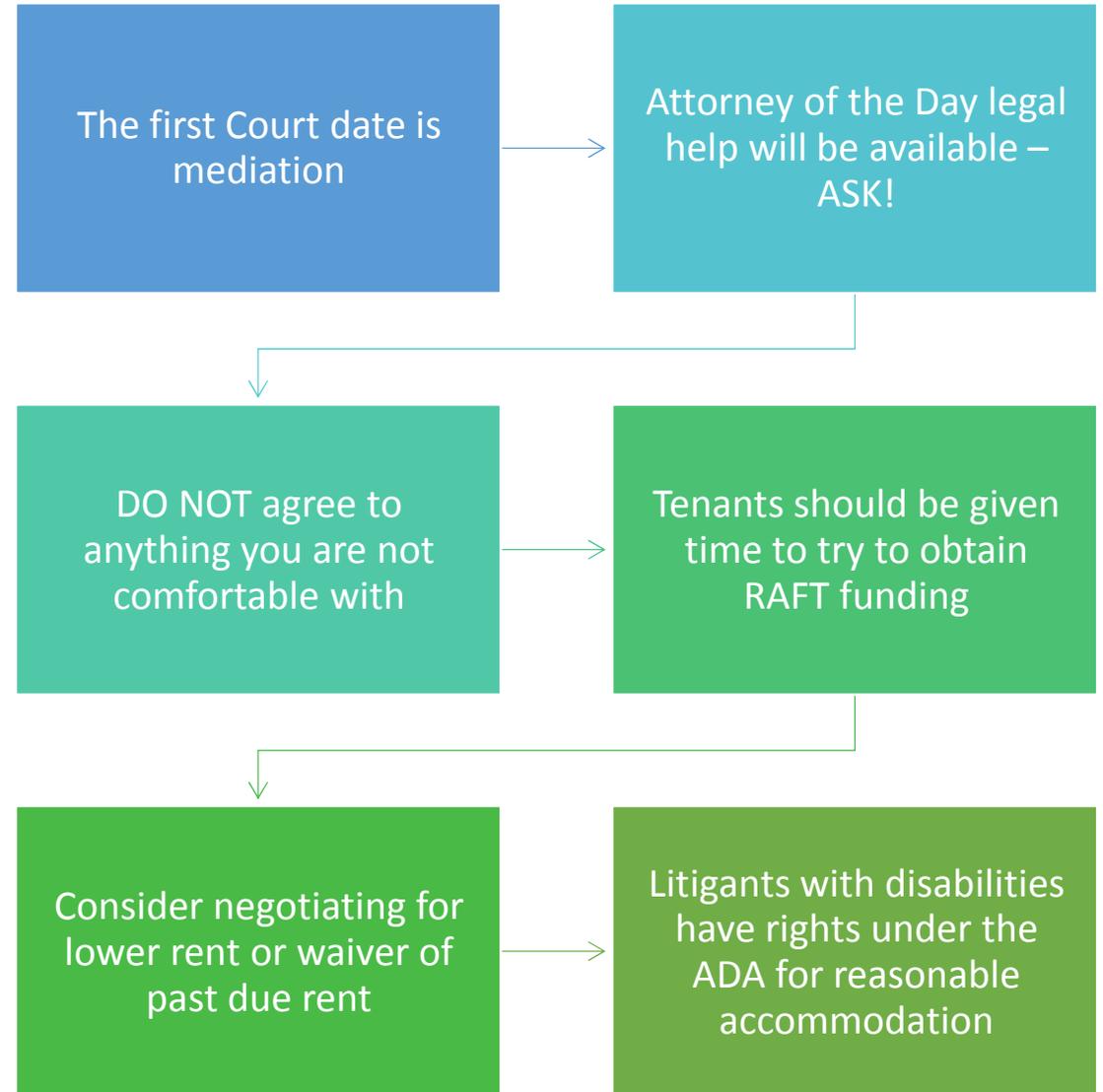
Filling out the Answer, Discovery & Jury Demand is the most important thing a tenant can do to protect themselves

Thousands will need to fill these out on their own or with help from social workers and community members

Call 211 or use the [Legal Resource Finder](#) to find the appropriate Legal Aid office if a person cannot complete it alone and there is no one else who can help

www.gbls.org/MADE or [MassLegalHelp Printable Forms](#)

Mediation



LANGUAGE ACCESS IN THE HOUSING COURT

- For all courts – Help Line 1-833-91COURT (1-833-912-6878) this line is available in English, Spanish and Portuguese only
- If a language other than Spanish or Portuguese, an interpreter can be requested by calling the clerk's office of the court listed on the court notice
- Request for interpreter is best made when notice is received. If not, request at the beginning of Zoom hearing.
- Request an interpreter for mediation EVEN IF mediator speaks your language. Mediator as interpreter is a conflict of interest.

Limited English Proficient (LEP) Access: DHCD Settlement

- Families with limited English proficiency are entitled to language access services at:
 - DHCD Main Office
 - Field offices
 - Hearings Division
 - All shelters
- The settlement also applies to HomeBASE applicants in EA shelter.
- At intake, each family should be asked which language they prefer to communicate in.
- Families with LEP will be given a one-page sheet with language access information.

Oral Interpretation Services

- **Oral Interpretation**, under the agreement:
- Available for important EA communications and documents not translated into the LEP family's language.
- DHCD provides free oral interpretation in its offices and by
- calling **(617) 573-1106 and pressing zero.**
- Telephone interpretation service available in all shelters.
- Friends and family cannot be asked to interpret.
- Children may serve as interpreters only in emergencies.
- DHCD and shelter staff may interpret if they are fluent in the family's language.



Written Translation

- Readers of the following languages have the right to receive important program documents in their language:

Spanish

Haitian Creole

Portuguese

Arabic

Cape Verdean Creole

But only the standardized portions of documents are translated – not narrative portions.

- Families have the right to have any untranslated portions of documents orally read to them in their primary language.

DHCD Language Access Coordinator and Complaint Procedure

- DHCD has appointed a Language Access Coordinator and created a language access complaint procedure.
- The current Coordinator is Brenda O'Donnell brenda.odonnell@mass.gov or (617) 573-1381
- Families may contact the Coordinator with language access issues or to file a formal complaint.
- For language access problems, contact Iris Coloma-Gaines (icoloma-gaines@mlri.org)

KEY STEPS FOR TENANTS TO TAKE



Apply for Rental Assistance



CDC Moratorium Declarations



File Answer, Discovery and Jury Demand



Apply for Legal Aid



Don't agree to anything you aren't comfortable with



Request an Interpreter or an Accommodation

Mass2-1-1 can help with rent and mortgage assistance

Dial 2-1-1 from any phone in Massachusetts

Available 24/7

Translation in 150+ languages



RESOURCES

- **Massachusetts Legal Resource Finder**, www.masslrf.org can help you locate the legal aid programs that serve your community. The LRF will also link you to available on-line applications for legal services and the telephone numbers to apply by phone.
- **MassLegalHelp/COVID-19**: www.masslegalhelp.org/covid-19. Get latest information on a wide range of legal issues during the pandemic.
- **MassLegalHelp/Housing**: <https://www.masslegalhelp.org/housing-homelessness> Get information, sample letters, and forms to help with a wide range of housing problems.
- **MADE** is a guided interview helping tenants complete their own Answer and Demand of Discovery: www.masslegalhelp.org/housing/eviction-answer-interview
- Learn where and how to **apply for RAFT**: www.mass.gov/covid-19-getting-help-with-housing-costs
- CDC Declaration: <https://www.boston.gov/sites/default/files/file/2020/09/CDC%20Declaration.pdf>
- Get latest information on the Commonwealth's eviction diversion program: www.mass.gov/info-details/covid-19-eviction-diversion-initiative-overview
- Homepage for **Mass211**: www.mass211.org
- **Mass Legal Answers Online**. Get answers from a volunteer lawyer through a free confidential website.: www.MassLAO.org