



A Robinson+Cole Legal Update

Coronavirus (COVID-19)

July 27, 2020

Massachusetts Extends Moratorium on Certain Evictions and Foreclosures

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On Tuesday, July 21, Massachusetts Governor Charlie Baker announced his decision to extend the state-wide moratorium on certain evictions and foreclosures under Chapter 65 of the Acts of 2020, *An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID-19 Emergency* (the “Act”). Previously set to expire on August 18, the moratorium on certain evictions and foreclosures throughout the Commonwealth will be extended an additional 60 days, through October 17, 2020.

As we previously reported [[Robinson+Cole Legal Update: Massachusetts Enacts H. 4647 – Establishing Broad Eviction and Foreclosure Moratorium During COVID-19 State of Emergency](#)], upon its enactment in April of this year, the Act prohibited all non-emergency evictions of residential tenants and certain small business tenants throughout the Commonwealth in response to the Governor’s COVID-19 emergency declaration. While the Act does not relieve covered tenants from the obligation to pay rent accruing during the COVID-19 state of emergency, landlords are prohibited from charging residential and small business tenants late fees or reporting tenants to consumer reporting agencies for missed rent payments. The Act also prohibits foreclosure of any owner-occupied one to four family residential properties during the COVID-19 state of emergency. Upon request, creditors and mortgagees must grant forbearance to owner-occupants of these properties, free from additional fees, interest, or penalties. The Act does not relieve these owner-occupants from repayment of mortgage payments missed during such forbearance.

In recognizing the significant financial impact the Act has had on many Massachusetts landlords, the Commonwealth created the Emergency Rental and Mortgage Assistance fund to provide \$20 million in emergency rental and mortgage assistance funds to low-income tenants and homeowners struggling to make payments.

Separate from the Act, Massachusetts lawmakers have proposed a more aggressive bill, [H. 4878](#), which would impose the current moratorium on evictions and foreclosures until one year after Governor Baker lifts the COVID-19 emergency declaration. H. 4878 would also create a “COVID-19 Housing Stability Recovery Fund” to provide aid to owners of residential properties with 15 or fewer units “who were unable to pay housing and housing-related costs for reasons related directly or indirectly” to the COVID-19 state of emergency. However, time appears to be running out on H. 4878 as the legislature’s formal sessions are set to expire on July 31.

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