



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

Attorney General Advisory on Residential Evictions

The Attorney General's Office (AGO) issues this advisory to alert tenants and landlords about their rights and obligations under the emergency eviction moratorium passed by the Massachusetts legislature (chapter 65 of the Acts of 2020). Since this law was passed, the AGO has heard increasing concerns about landlords attempting to evict tenants through unlawful "self-help" evictions.

"Self-help" evictions are unlawful.

- It is illegal to stop a tenant from using a rental unit by changing locks, shutting off utilities, or removing a tenant's possessions;
- It is also unlawful to threaten, intimidate, or coerce a tenant to force them to leave, including by threats to report a tenant to immigration authorities;
- This applies to all tenants, whether they have a lease, a sublease, or no lease at all;
- Tenants who are being forced out of their homes should call their local police department or the Attorney General's Consumer Hotline at (617) 727-8400;
- Tenants who are being harassed, threatened, or otherwise discriminated against based on their race, color, religion, ancestry, national origin, disability, or other protected characteristic should call the Attorney General's Civil Rights Hotline at (617) 963-2917.

Landlords generally can't evict tenants from their homes. In most instances, this means:

- Evictions can't be filed in court;
- A landlord can't terminate a tenancy or send a tenant a notice to vacate;
- For eviction cases that were filed before the law, all deadlines to respond or appear are extended until after the emergency law is lifted;
- Constables and sheriffs can't move a tenant out of a property.

Evictions can be brought *only* where a tenant (1) violates lease terms or engages in criminal activity, *and* (2) the violation may impact the health or safety of others who are lawfully on the premises. This exception is narrow and should only be used where there is a serious health or safety concern that can't otherwise be addressed.

Tenants continue to owe monthly rent, but landlords can't charge late fees or penalties when tenants provide notice and documentation of COVID-19-related hardships.

- If a tenant can't pay rent as a result of a financial hardship due to COVID-19, they should notify the landlord in writing and provide documentation within 30 days of each missed rental payment;

- A tenant can provide this notification and documentation either by using [a form provided by the Executive Office of Housing and Economic Development](#), or by writing an email or letter to the landlord explaining any COVID-19-related loss of income or increase in expenses;
- If a tenant provides notification and documentation for a missed rental payment within 30 days, the landlord can't charge a late fee or penalty, or report the late rent payment to a consumer reporting agency;
- Landlords should provide a notice to tenants for each missed rental payment, and any such notice must include information on tenants' rights and available resources [as specified by the Executive Office of Housing and Economic Development](#);
- Landlords should work with their tenants on reasonable payment plans for any missed rent during the crisis.

Landlords may use a tenant's deposit of last month's rent to cover expenses like mortgage payments, utilities, and repairs during the crisis. To use these funds in this way, the landlord must:

1. Inform the tenant in writing before the last month of the tenancy that the funds will be used to cover expenses;
2. Not charge the tenant for last month's rent if that amount was pre-paid by the tenant; and
3. Provide the tenant with the same amount of interest as if the last month's rent payment had remained reserved in a separate account.

Landlords cannot use security deposit funds to cover their expenses during the moratorium.

Dated: May 8, 2020