

Background on Eviction Protections in the FY21 Budget

Massachusetts Law Reform Institute

Last week the Governor issued his vetoes and amendments to the Fiscal Year 2021 budget. The Governor proposed amendments to Outside Sections 79 & 80 that would significantly weaken the eviction protections. These changes are now being considered in a separate bill, H.5181.

PLEASE ASK YOUR LEGISLATORS TO RESTORE THE CONFERENCE COMMITTEE
OUTSIDE SECTIONS 79 & 80.

What changes did the Governor propose?

Section 79: The Conference Committee budget required the courts to reject any eviction case filing if the landlord could not prove the required notice to quit had been delivered to the tenant. The Governor removed this requirement, claiming that it would be a burden on court clerks. However, courts are regularly in the position of rejecting filings for various reasons, and did so during the state eviction moratorium. Without this provision, landlords will be disincentivized to provide tenants with helpful information as outlined in the Governor's Eviction Diversion Initiative. The Conference Committee language should be reinstated.

This provision could be further strengthened by including information about the COVID Eviction Legal Help Project, part of the Governor's Eviction Diversion Initiative, in the list of resources required to be sent to tenants. In addition, requiring EOHED to share notice to quit information with COVID Eviction Legal Help Project will allow legal advocates to do outreach to tenants at risk of eviction and connect them with rental assistance help.

Section 80: The Governor's amendment to this provision means that tenants in need of rental assistance will get a continuance of their eviction case ONLY IF they have already applied **before** their first court date. This undermines the purpose of the Governor's Eviction Diversion Initiative resources because tenants will not be able to meaningfully access these resources at the "First Tier" court event, which is meant to be a case management conference at which tenants can be connected to the assistance they need. The Conference Committee budget required a court to continue the case as long as rental assistance was sought before the date of the **trial**, which is later in the process and ensures that the Eviction Diversion Initiative resources operate as intended. The Conference Committee language should be reinstated.

Additionally, both provisions should be amended to apply to all reasons for eviction, not "solely non-payment of rent". Cases based on unpaid rent can be brought for any of the court-defined reasons (non-payment, cause, or no fault) and this language would exclude those cases. This should instead read "evictions where rent is sought".