

# **An act to prevent COVID-19 evictions and foreclosures and promote an equitable housing recovery**

**[H. 1434](#) / [S. 891](#)**

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## **Massachusetts is experiencing a severe housing crisis.**

More and more residents are facing worsening housing instability. Over 19,000 new eviction cases have been filed since October, and over 4,000 executions have been issued to landlords, meaning many tenants can be forcibly removed by sheriffs or constables. Over 28,000 homeowners are seriously delinquent on their mortgage payments, and thousands more homeowners and small landlords are at imminent risk of foreclosure. The economic crisis created by COVID-19 is taking a disproportionate toll on communities of color and low income people across Massachusetts.

## **Why do we need this bill?**

Massachusetts has hundreds of millions of dollars amounts of federal rental assistance but the application process is complex and resources are not reaching tenants in time to prevent unnecessary evictions. Thousands of homeowners are being denied forbearance relief by lenders and facing the loss of their homes. Even as schools plan to reopen in September too many children face uncertainty about where, or if, they will have a place to stay. We need decisive legislative action to prevent displacement, ensure timely and equitable distribution of rental assistance, and promote racial and economic equity.

## **What does the COVID-19 Housing Equity Bill do?**

- 1) Ensure that landlords pursue and cooperate with rental assistance programs before evicting:
  - Landlords must provide an affidavit that they a) have worked in good faith to access rental assistance, b) that their unit is habitable and safe, and c) that they have notified residents of the COVID defense, before they can file an eviction case in court.
- 2) Protect the most vulnerable tenants from forced removal for COVID-19 arrears:
  - Households being evicted for non-payment whose non-payment was due to COVID-19 have a defense to eviction if a) eviction is likely to lead to homelessness, or b) the household includes a minor child, an elder, a person with disabilities, or a person with medical conditions putting them at higher risk for COVID infection.
- 3) Pause no-fault evictions during the COVID-19 recovery period:
  - Landlords cannot file evictions for no fault or no cause until March 2022.
- 4) Pause residential foreclosures and require mortgage forbearance based on federal policies:
  - Lenders must provide homeowners with information about who owns their loan and what options are available to help with mortgage payments;
  - Lenders must offer homeowners forbearance programs according to federal guidelines;
  - Lenders must offer homeowners modifications after forbearance when homeowners are unable to make regular mortgage payments due to COVID-19.
- 5) Ensure timely and equitable distribution of rental assistance funds:
  - The state must implement federal guidance to provide a simple, flexible, and fast process for rental and mortgage assistance.
  - The state must take affirmative steps to ensure equitable distribution of funds.