

HOUSING AND COVID-19

ASSISTANCE OPTIONS POST-MORATORIUM

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WHERE WE ARE RIGHT NOW



- The Massachusetts Eviction Moratorium expired October 17, 2020. A Federal Eviction Moratorium against eviction remains in effect through the end of June 2021 *for some tenants at risk for eviction for non-payment.*
- Eviction cases that had been “paused” due to the Eviction Moratorium have now resumed.
- Paused cases had numbered approximately 11,000 across the Commonwealth.
- Courts are addressing the paused cases in chronological order.
- Most court hearings are being conducted by videoconference.
- New cases can soon be filed after the Landlord properly terminates a tenancy.
- Estimates range from 20,000 to 200,000 expected new cases.

WHERE WE ARE RIGHT NOW

(CONT.)



- The Federal Eviction Moratorium stems from an order by the Center for Disease Control (CDC). The CDC passed the order in efforts to temporarily halt residential evictions to prevent the further spread of Covid-19.
- In response to the end of the Commonwealth's Eviction Moratorium, Governor Baker has implemented an Eviction Diversion Initiative. (to be discussed below).
- The moratoriums both federal and state did not *wave a* tenant's rent obligation but prevent or delayed an eviction action for nonpayment of rent.
- Some large landlords have voluntarily agreed to delay evictions for failure to pay rent until 2021.

CDC EVICTION MORATORIUM



- The Federal CDC Eviction Moratorium is effective beginning September 4, 2020 through June 30, 2021.
- The CDC Eviction Moratorium protects residents who are facing eviction for *non-payment of rent* (a) if they fall under a financial cap, (b) attest to efforts to obtain government assistance for rent, and (c) assert that they are unable to pay rent or a full rent due to loss of income for rent.
- Eligible residents must sign a declaration form and provide a copy to landlord, owner of residential property, or whoever has the right to evict.
- Tenants are still responsible for rent and any fees, penalties or interest owed to the landlord.
- Court can accept eviction filings, process cases, and enter judgements, but won't issue order of execution.

**[FORM] DECLARATION UNDER PENALTY OF PERJURY FOR
THE CENTERS FOR DISEASE CONTROL AND PREVENTION'S TEMPORARY
HALT IN EVICTIONS TO PREVENT FURTHER SPREAD OF COVID-19**

This declaration is for tenants, lessees, or residents of residential properties who are covered by the CDC's order temporarily halting residential evictions (not including foreclosures on home mortgages) to prevent the further spread of COVID-19. Under the CDC's order you must provide a copy of this declaration to your landlord, owner of the residential property where you live, or other person who has a right to have you evicted or removed from where you live. Each adult listed on the lease, rental agreement, or housing contract should complete this declaration. Unless the CDC order is extended, changed, or ended, the order prevents you from being evicted or removed from where you are living through December 31, 2020. You are still required to pay rent and follow all the other terms of your lease and rules of the place where you live. You may also still be evicted for reasons other than not paying rent or making a housing payment. This declaration is sworn testimony, meaning that you can be prosecuted, go to jail, or pay a fine if you lie, mislead, or omit important information.

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing are true and correct:

- I have used best efforts to obtain all available government assistance for rent or housing;¹
- I either expect to earn no more than \$99,000 in annual income for Calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), was not required to report any income in 2019 to the U.S. Internal Revenue Service, or received an Economic Impact Payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- I am unable to pay my full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, lay-offs, or extraordinary² out-of-pocket medical expenses;
- I am using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses;

¹ "Available government assistance" means any governmental rental or housing payment benefits available to the individual or any household member.

² An "extraordinary" medical expense is any unreimbursed medical expense likely to exceed 7.5% of one's adjusted gross income for the year.

- If evicted I would likely become homeless, need to move into a homeless shelter, or need to move into a new residence shared by other people who live in close quarters because I have no other available housing options.³
- I understand that I must still pay rent or make a housing payment, and comply with other obligations that I may have under my tenancy, lease agreement, or similar contract. I further understand that fees, penalties, or interest for not paying rent or making a housing payment on time as required by my tenancy, lease agreement, or similar contract may still be charged or collected.
- I further understand that at the end of this temporary halt on evictions on December 31, 2020, my housing provider may require payment in full for all payments not made prior to and during the temporary halt and failure to pay may make me subject to eviction pursuant to state and local laws.

I understand that any false or misleading statements or omissions may result in criminal and civil actions for fines, penalties, damages, or imprisonment.

Signature of Declarant

Date

³ "Available housing" means any available, unoccupied residential property, or other space for occupancy in any seasonal or temporary housing, that would not violate federal, state, or local occupancy standards and that would not result in an overall increase of housing cost to you.

GOVERNOR BAKER'S EVICTION DIVERSION INITIATIVE



Baker-Polito
Administration
Announces
Comprehensive
Eviction Diversion
Initiative To Keep
People Safely Housed
During Pandemic

- The cost of the Eviction Diversion Initiative exceeds 170 million dollars.
- The EDI infused another \$70 million in emergency rental assistance to the RAFT Program (Rental Assistance for Families in Transition) for a total allocation of \$100 million for RAFT.
- The EDI allocated \$12.3 million to provide tenants and landlords with access to legal representation and related services prior to and during the eviction process, as well as community mediation to bring tenants and landlords together to find a resolution.
- The EDI provides nearly \$50 million for post-eviction rapid rehousing.

RAFT/ERMA



- The RAFT program helps keep households in stable housing situations when facing eviction, foreclosure, loss of utilities, and other housing emergencies caused by loss of income, increase in expenses, or both.
- Applicants affected by the COVID-19 crisis are eligible for up to \$10,000 in assistance, up from \$4,000 pre-COVID.
- Households with incomes up to 50% of Area Median Income (AMI), or 60% of AMI for people who are at risk of homelessness because of domestic violence, are eligible for assistance.
- ERMA (Emergency Rental and Mortgage Assistance) can provide rental and mortgage assistance to low-income households who have been impacted by the crisis and may not be eligible for RAFT.
- This program is available for households within the 50-80% range of Area Median Income (AMI). Like RAFT, ERMA may provide up to \$4,000 for eligible households to assist with rent or mortgage arrears accrued after April 1, 2020 and/or with upcoming rent or mortgage payments.

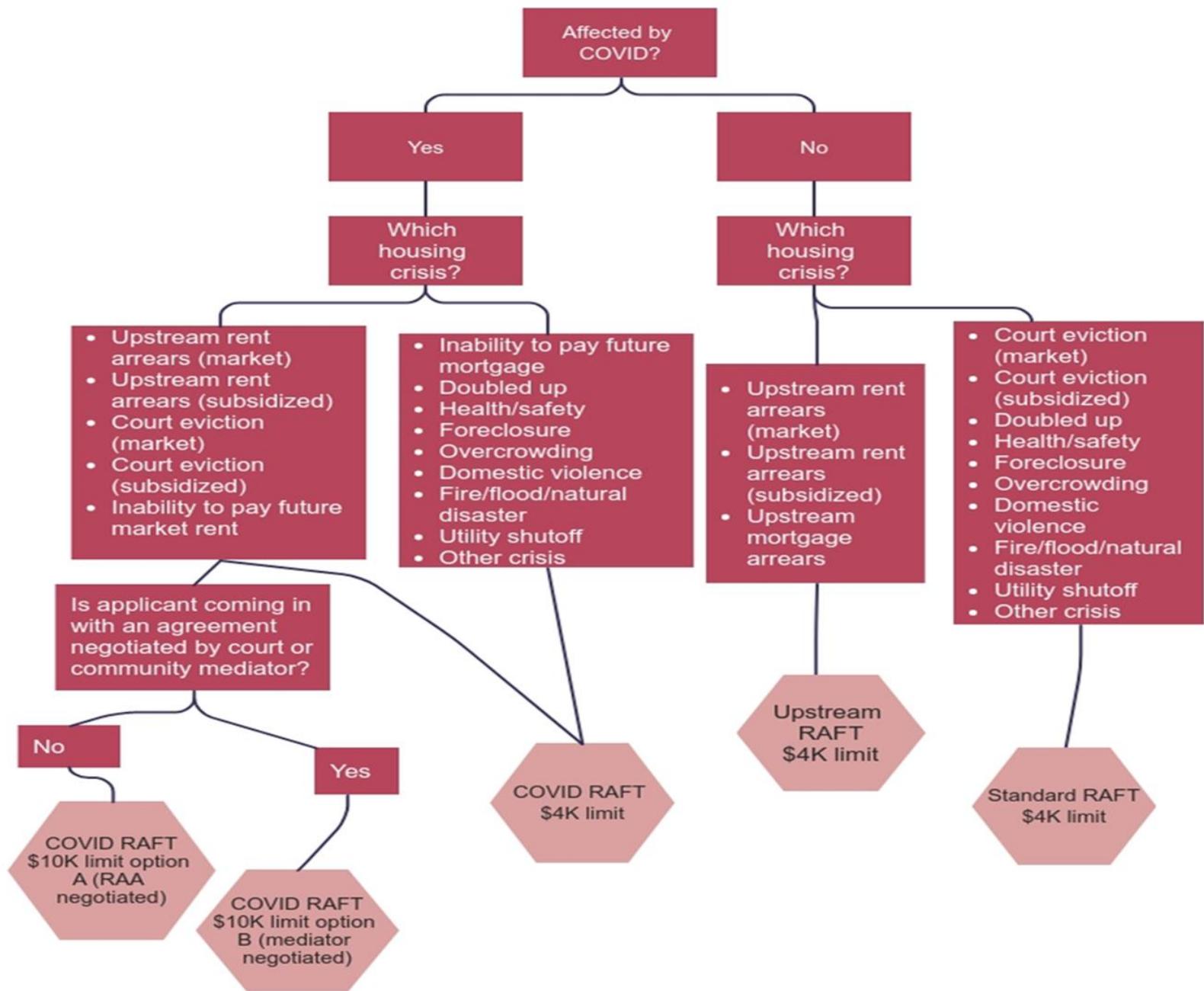
RAFT REQUIRES ONE OF FIVE “HOUSING CRISES” FOR ELIGIBILITY

- Upstream Rent Arrears: There is no current court action, applicant has received notice of rent arrears issued by landlord.
 - (1) Market Housing / (2) Subsidized Housing
- Court Eviction: Court action has been filed or already gone to judgement.
 - (3) Market Housing / (4) Subsidized Housing
- (5) Inability to pay future market rent.
- RAFT can provide for stipend payments up to a total cap of \$10,000 to assist tenants pay arrears and/or future rent. Landlord must commit to sustain tenancy for 6 months from first RAFT payment or until June 2021 if school aged children in household, whichever date is later.
- Forward rent payment and/or payment plan for arrearage can be negotiated by SMOC (which requires a tenant pay at least 30% of income towards rent) or by a court or community mediator.

HOUSING CONSUMER EDUCATION CENTERS (HCEC)

- Can also be referred to as a Regional Administering Agency (RAA)
- Administer both RAFT and ERMA applications, which can be applied for at the same time
- Offer wide range of services to tenants, landlords, prospective buyers, and homeowners
- HCEC for Framingham is South Middlesex Opportunity Council (SMOC) can be reached through phone at (508) 872-0765 and email at HCEC@smoc.org.
- Best way to apply for RAFT and ERMA is through their web portal at <https://www.waitlistcheck.com/MA2977-1916>





FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)

- The Federal Program offers higher benefits by providing duration of assistance (12 months) regardless of local rents. Only for renters.
- DHCD will implement starting on March 22, 2021.
- It does not replace RAFT/ERMA but supplements existing programs.
- Renters directly or indirectly impacted by COVID with rental arrears after 3/13/2020.
- DHDC will continue to use the existing RAFT COVID criteria for eligibility.
- Federal dollars can be used for rental arrears, rental utilities and rental stipends in 3 months increments.

FEDERAL EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP)

- Up to 12 months' worth of assistance rather than a fixed monthly amount of dollars.
- If necessary for housing stability and additional 3 months may be provided.
- Household with income-based rental subsidies cannot receive more than their portion of the rent and cannot receive stipends.
- Renters should apply by using existing or new application at RAA for geographic region.
- Any pending or unapproved RAFT/ERMA applicants upon date of implementation will immediately be considered for ERAP.

EVICITION MYTHS

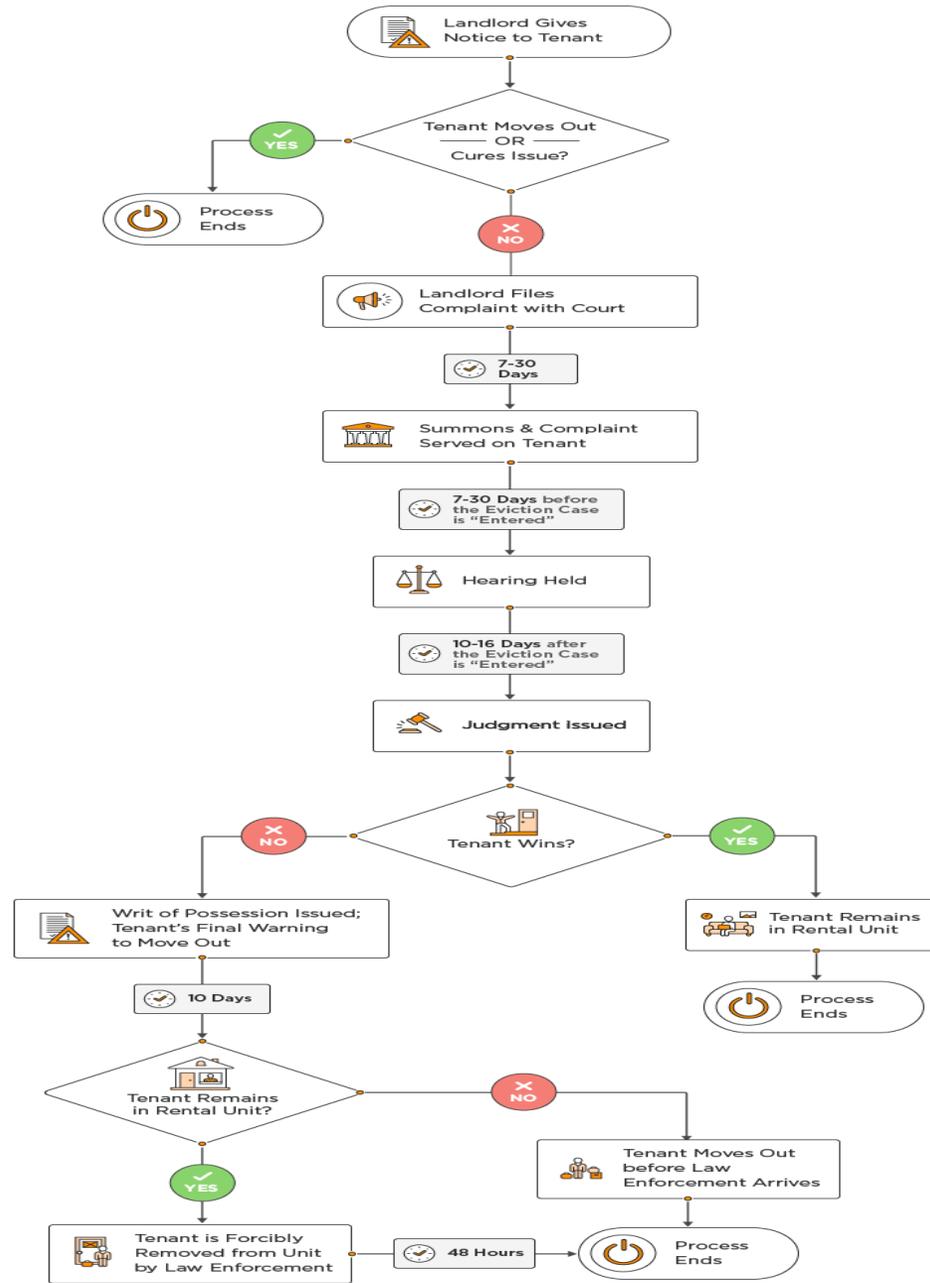


- A judge cannot evict a family with children
- Evictions cannot happen during winter or during the holidays
- It takes a long time to evict someone
- If the tenant owes rent, the landlord must take a repayment plan if the tenant offers one

EVICTION TIMELINE

- **Notice to quit**
 - 14-day notice for nonpayment
 - One month ahead of time for a tenancy-at-will
 - Right to cure (in a non-payment case)
- **Summons and Complaint**
 - Can only be commenced after NTQ has expired
 - Tenant served with a copy of summons and complaint first, then (entered) filed at the courthouse. Known as the Entry Date.
- **Tenant's Response**
 - Answer (i.e. defenses and counterclaims)
 - Discovery (interrogatories and document requests)
 - Due the first Monday after the Entry Date (7 days)
 - Filing an answer and discovery will reschedule Trial Date 2 weeks in the future
- **Entry of Judgement**
 - Judge's written decision
 - Usually entered the day after the Trial Date

Eviction Flowchart



EVICTON CASES – HOUSING COURT



- Housing Court has established a two-tier process. The first tier focuses on mediation. The Tenant and Landlord meet with a housing specialist (a trained employee of the Housing Court) in efforts to try to reach an Agreement in the eviction case.
- If no Agreement is reached, the case will be assigned for a second court event and scheduled for a possible hearing before a Judge or a second effort at mediation.
- Litigants are expected to receive a listing of Housing Resources from the Housing Court when informed of their first-tier court event.



The Commonwealth of Massachusetts The Housing Court Department

IMPORTANT

Your hearing may be done virtually by Zoom. You **MUST** attend your court hearing by following the instructions provided in your court notice. Please see section on how to use Zoom on the back side of this page. If you do not attend, the Court may rule for the other side.



Lawyer for the Day Program

A Lawyer for a Day Program ("LDP") is a program in which volunteer attorneys are available to provide free legal advice and assist unrepresented Landlords, and Tenants.

For more information, prior to your court hearing Please Contact:

Community Legal Aid:
508-752-3718
www.communitylegal.org

Metro West Legal Services:
508-620-1830, www.mwlegal.org

Lawyers Referral Service:
508-752-1311
www.worcestercountybar.org

Limited Assistance Representation

Some courts allow people to have a lawyer to help with a part or portion of your case, rather than the whole case. This is called limited assistance representation (LAR). LAR attorneys can draft documents or represent you in court at one or more hearings.

Information about LAR:
<https://www.mass.gov/info-details/limited-assistance-representation-information-for-the-public>

You can find an electronic version of this form at:
<https://www.mass.gov/guides/housing-court-resources>

Your Court Case

If you filed the case you are the Plaintiff. If the case was filed against you, you are the Defendant and you can file an answer.

Whether you are the Plaintiff or the Defendant, every time you file a document with the Court you must make sure the other side gets a copy.

To look up your case file online, please visit : <https://Masscourts.org>



E-Filing your documents with the Court

Online Court Forms can be downloaded from:
<https://www.mass.gov/lists/housing-court-forms>

To file any forms, documents, or evidence, you can mail it to the court or file it electronically through the courts e-filing website: <http://www.efilema.com/>

Please see Housing Court E-filing Guide:
<https://www.mass.gov/guides/efiling-in-the-housing-court>

If you need assistance in drafting and filing court forms, please see the Court Service Center section on the back side of this page.

At all stages of the cases both parties must follow all court rules. To look up court rules go to: <https://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

Emergency Rental & Mortgage Assistance

Renters and Homeowners who are struggling to make housing payments are encouraged to apply for emergency assistance. You may be eligible for assistance to pay overdue or upcoming rent, mortgage payments, or moving costs (First, Last, Security Deposit).

Any income-eligible individuals and families affected by COVID-19 or who are struggling to make housing payments, may apply.

You can apply for the Residential Assistance for Families in Transition (RAFT) and/or the Emergency Rental and Mortgage Assistance (ERMA) program by applying at any one of the 11 regional housing agencies.

APPLY IMMEDIATELY. Due to unprecedented need during COVID-19, application processing can take several weeks and funds are not guaranteed.

Attention Renters, Homeowners, and Landlords: To find information about available financial assistance or to find the regional administering agency for your city or town go to: <https://www.mass.gov/CovidHousingHelp> or call **211** for assistance.

JAN 2020 (2020.02)

If you have trouble participating in a virtual conference or need a free **Interpreter** or **Reasonable Accommodations**, as soon as you receive this notice please call (508)-831-2050.

Connecting to Zoom

You can connect to your Hearing through the Zoom app.

Zoom is available both by computer and by phone.

For more information, please see:
<https://www.mass.gov/info-details/remotevirtual-court-services>



Smartphone:

- 1.Go to your app store
- 2.Look for "Zoom Cloud Meetings"
- 3.Click Download
- 4.Create an account
- 5.Click Join Meeting
- 6.Enter Meeting ID
- 7.Enter Passcode



Computer:

- 1.Go to <https://zoom.us>
- 2.Click Join Meeting
- 3.Enter Meeting ID
- 4.Enter Passcode



Land line/ Telephone:

1. Contact the Court and notify court staff that you do not have access to zoom. The court will you provide with information and a phone number to call.

2. If the Court notice provides a phone number for your hearing, call the number and enter the Meeting ID and Password provided.

Tips on using Zoom
Make sure you test your online connection and video/audio on the zoom app before your hearing date.

Housing Specialist Department



Housing specialists (HSD) are employees of the court who serve as mediators for cases that are filed in the housing court. They provide information about Massachusetts housing laws to the public and assist parties to reach a settlement. The housing specialists can provide information and referrals to resources that are available in your local community. Contact the HSD at (508)-831-2050.

Virtual Counters

You are able to contact the court virtually using the Zoom application. The courthouse has a virtual counter where you can connect with the court personnel to get information about your case.

Available Monday-Friday 1:00 PM - 4:15 PM

Location	Meeting ID	Password
HSD Virtual Counter	160-875-3379	150290
Clerk's Office Virtual Counter	161-670-2984	

You can also access the virtual counters by telephone by calling (646)828-7666 and entering the above Meeting ID and password.

Court Service Center

Court Service Centers (CSC) help people navigate the court system. Centers are available to all court users without lawyers, and there are no income or immigration status requirements. All of the services in the Court Service Centers are free. You can join the Court Service Center Videoconference Meeting:

- Via videoconference: <https://www.zoomgov.com/j/1615261140>
- Via phone call: (646) 828-7666 (Enter Meeting ID 1615261140)

This link is available from **9:00 a.m. to 12:00 p.m. from Monday through Friday.** After 12:00 p.m., CSC team members return calls, assist court users via appointment, and respond to emergency referrals made by court departments.

Tenancy Preservation Program

The Tenancy Preservation Program (TPP) is a program that works with tenants, including families with children, facing eviction as a result of behavior related to a disability. TPP functions as a neutral party and works with the property owner and tenant to determine whether the disability can be reasonably accommodated, and the tenancy preserved.

To contact the TPP, please call: (508)-438-5656.

Other Agencies/Programs:

Central Massachusetts Housing Alliance:
6 Inshete Rd, Worcester, MA 01609
(508)-752-5519, www.cmhaonline.org

RCAP solutions:
191 May St., Worcester, MA 01602
(800)-488-1969, www.rcapsolutions.org

South Middlesex Opportunity Council:
7 Bishop St. Framingham, MA 01702
(508)-872-4853, www.smoc.org

Montachusett's Opportunity Council:
601 River St, Fitchburg, MA 01420
(978)-345-7040, www.mooc.org

WCAC: (508)-754-1176, info@wcac.net

For other agencies in your area, go to | <https://hedfuel.azurewebsites.net>

ADVICE TO TENANTS AND FAMILIES



- Attend all court events!!!! More than 25% of Tenants fail to show for court hearings. Default judgments and bad outcomes happen when tenants fail to show.
- File an Answer (the tenant's written response to the eviction complaint) and ask for Discovery (written request that the Landlord answer questions and provide documents).
- If the case was filed in a District Court, transfer the case to Housing Court. Housing Courts have more resources available to tenants and more experience with housing issues.
- Seek legal assistance by contacting our office or by seeking help from a Lawyer for the Day program.
- Seek grant assistance (RAFT/ERMA/Municipality Grants) as early as possible and preferably before a court action is even filed.

MASSACHUSETTS DEFENSE FOR EVICTION (MADE)



- Greater Boston Legal Services has created a free self-guided interview for tenants facing eviction.
- The program allows a tenant and/or their lawyer/helper to electronically complete answer and discovery forms which are crucial to tenants' defenses.
- The program and an accompanying training can be accessed through the GBLS web portal at <https://gbls.org/MADE>

LEGAL REPRESENTATION



- The Commonwealth has invested significant resources to try to sustain tenancies during this pandemic. Eviction = unsafe housing, overcrowding, an increased demand for shelter; all of which exacerbate Covid-19 exposure.
- The Eviction Diversion Initiative includes funding for 22 teams of legal advocacy (each team consisting of at least two attorneys, two paralegals, and an intake worker) to staff court sessions across the Commonwealth.
- MWLS has had the equivalent of 2 FTE's for eviction defense. We have been assigned two teams (10 additional temporary attorneys and advocates) to handle the expected surge of eviction cases within our service area.

CONTACT INFORMATION

- Metro West Legal Services- 63 Fountain Street Framingham, MA 01702
- Stephen Matthews
 - Phone: (508) 371-4552
 - Email: smatthews@mwlegal.org
- Nana Boateng
 - Phone: (508) 371-4072
 - Email: housing.americorps@mwlegal.org