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Massachusetts Legislature Proposes Halting All Evictions and Foreclosures During Coronavirus Outbreak

By: Rich May

As the country responds to the COVID-19 (coronavirus) outbreak, many states and municipalities are considering moratoriums on evictions and foreclosures. Such moves are in response to the widely accepted belief that many workers will have reduced or no income in the coming months and might face housing instability as a result. Massachusetts is no exception to this national trend.

In response to these pressures, on Friday, March 13, a group of legislators led by State Reps. Mike Connolly and Kevin Honan, House Chair of the Joint Committee on Housing, filed legislation to halt all evictions and foreclosures in Massachusetts for the duration of the coronavirus emergency. The bill, [HD.4935](#), is titled “An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID19 Emergency.” This is an emergency act and would take effect immediately if passed into law. HD.4935 deals solely with residential property, so commercial evictions and foreclosures could theoretically continue. The bill is also tied to the emergency declaration issued by Governor Baker (executive order number 591 dated March 10, 2020). Its effects would be retroactive to the date of the emergency declaration and would expire when the declaration is rescinded by the Governor.

Specifically, the current bill would:

- Declare that no court having jurisdiction for evictions shall accept new eviction cases or enter eviction judgments or executions.
- Toll all deadlines and time periods until the emergency declaration is rescinded.
- Prohibit all sheriffs, deputy sheriffs, constables or other persons from enforcing or levying on any execution for possession.
- Prohibit the (i) publication of notices of foreclosure, (ii) exercise of the power of sale, (iii) exercise of right of entry, and (iv) initiation of an eviction action.



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In short, HD.4935 would hit the proverbial 'pause-button' on all eviction and foreclosure proceedings. This is certainly welcome news for any tenants or homeowners in distress or facing financial challenges in the coming months. It is also potentially a subject of concern for lenders and landlords.

Beyond legislation, elected officials have also made direct appeals to the courts for a cessation of evictions and foreclosures. For example, the above mentioned State Reps. Kevin Honan and Mike Connolly have sent letters directly to [the Housing Court](#) and [the Trial Court](#) requesting that the courts use their authority and discretion to halt foreclosures and evictions. And [Boston City Councilor Lydia Edwards](#) wrote a letter to Gov. Baker and the state Housing Court also supporting such a moratorium. [The Boston Housing Authority has already declared](#) that it will not pursue "non-essential eviction actions" for as long as Gov. Charlie Baker's declared state of emergency lasts, and defines "non-essential" as cases that do not involve or include allegations of criminal activity or lease violations that impact health or safety. Even if HD.4935 never becomes law, given the current exigent circumstance, it seems likely that eviction or foreclosure actions during the COVID-19 state of emergency will face lengthy delays and continuances.

Any tenants, homeowners, landlords, or lenders with questions can contact Rich May, P.C. attorney Nathaniel Donoghue.

Disclaimer: This summary is provided for educational and informational purposes only and is not legal advice. Any specific questions about these topics should be directed to attorney Nathaniel Donoghue.