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WELCOME TO THE HAMPDEN COUNTY **LEGAL CLINIC**

A Pro Bono Program of the Hampden County Bar Association



Lawyer for the Day

UNDERSTANDING THE IMPACT OF COVID-19
ON SUMMARY PROCESS CASES

LED BY PETER LANE, ESQ.

MARCH 23, 2021

CHAPTER 257

An Act Providing for Eviction Protections during the COVID-19 Pandemic Emergency.

Applies to residential non-payment of rent cases

Revised Notices to Quit for COVID-related evictions

Delays eviction if there is a pending RAFT application

STANDING ORDER 6 - 20

Temporary modifications to court operations

Summary Process cases are a two-tier process

Trial dates are “to be determined by the court”

Affidavit required with request or motion for an execution

An execution may not be levied until CDC moratorium expires

THE BOTTOM LINE

The Government and the Courts are continuing to strictly limit the circumstances under which a landlord may evict a tenant and are continuing to direct tenants and landlords towards accessing all available rental assistance funds.



**Understanding the
client's needs**



**Available resources
for rental assistance**



**NEW requirements
for NTQ and S&C**



**Summary process
timeframe**



**Restrictions on
executions**

Key Considerations

Understanding the client's concerns

Non-payment

Criminal Activity

Damage to Property

Non-renew, month to month

Temporary Restraining Order





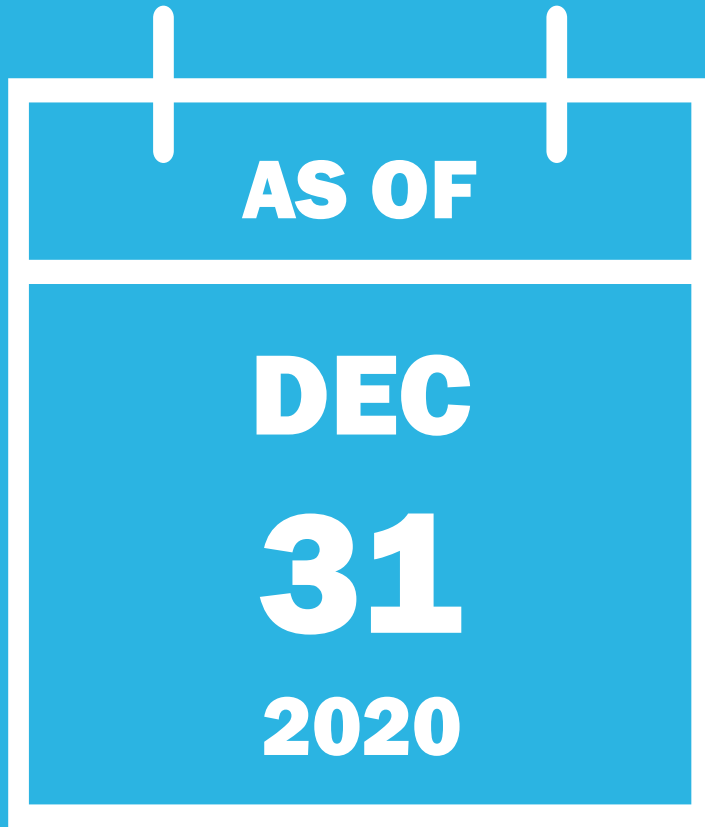
Landlords may apply directly to RAFT

No more Owner's Contract to receive RAFT money

Award letter is sent to both parties after the money is disbursed

Tenant must continue to pay rent or may face eviction

Landlord must preserve tenancy for months paid by RAFT or return money



NEW Requirements for Notices to Quit

<https://www.mass.gov/noticetoquit>

The Massachusetts Act Providing Eviction Protections (Bill H5181) now requires the following:

- 1) Landlords serving a Notice to Quit for non-payment must now attach a completed Attestation Form Accompanying NTQ approved by the Executive Office of Housing and Economic Development (EOHED). The form can be found at the website linked above.
- 2) After service, the Landlord must file the Notice to Quit with the EOHED by going to the website linked above and following the links for “Submitting a Notice to Quit”



*The Landlord must acknowledge
three separate categories of information:*

CDC Moratorium Declaration

“Covered dwelling” under the CARES Act

Written or verbal agreements already existing

Summary Process Timeframe

File Date to First Event: 3-4 months

First Event is a mandatory Mediation

No Default after First Event

First Event to Trial: 4-5 weeks

There are restrictions on executions



EXECUTIONS

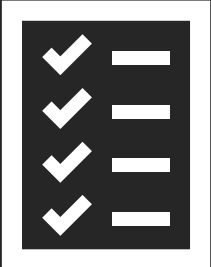
Nothing prevents a landlord from serving notices to quit (in compliance with these new rules) or filing summary process complaints and initiating a court case, but there are limits on judgments and executions.



PRO SE DAY



Mondays: Landlord/Tenant LFD
Thursdays: Housing Court LFD





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QUESTIONS?
