



Commonwealth of Massachusetts DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

Frequently Asked Questions about the Moratorium on Evictions

RENT PAYMENT:

1) I heard there is a moratorium on evictions. Does that mean I don't have to pay rent?

Answer: You are still responsible for paying rent to your landlord. The eviction moratorium **temporarily** protects you against being **evicted** for nonpayment of rent due to a COVID-19 related financial hardship. When the moratorium ends, however, you will be at risk for eviction if you do not pay your landlord all the rent that is owed.

2) I have been laid off and can't pay my rent right now. Even though I can't be evicted, will I be subject to late fees for nonpayment? Can my landlord report the nonpayment to a credit bureau?

Answer: If you cannot pay rent due to financial hardship, you must send a notice to your landlord (see FORM OF HARDSHIP below) to avoid late fees and credit reporting. Even if you do not send this notice, you still cannot be evicted for nonpayment while the moratorium is in effect.

3) I don't know how I am ever going to pay my landlord. What can I do?

Answer: If you are income eligible and cannot pay rent, we may be able to assist. You may qualify for different types of emergency rental assistance. Contact your Housing and Consumer Education Center for advice.

<https://www.masshousinginfo.org/>

4). I am a month to month tenant and do not have a written lease. Does this law protect me?

Answer: Yes. The law prohibits all evictions regardless of whether you have a written lease or you are a tenant at will.

PERMISSIBLE EVICTIONS

1) What types of evictions are permitted during the COVID-19 state of emergency?

Answer: Evictions for actions which pose a threat to the health and safety of others.

NOTICE OF ARREARAGE:

1) I just got a notice of arrearages from my landlord. I thought there was a Moratorium on Evictions. Is this legal?

Answer: Because of COVID-19, the law temporarily prevents evictions and foreclosures. In most cases, you cannot be evicted during the state of emergency, unless your actions could impact or pose a risk to the health and safety of others. However, you are still required to pay rent, and the landlord is allowed to remind you of the amounts

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you owe. Any past due rent or arrearage notice that a landlord gives should clearly state “This is not an Eviction Notice. You are not being evicted and do not need to leave your home” prominently on the first page.

FORM OF NOTICE OF FINANCIAL HARDSHIP:

1) I just got a notice of arrearages from my landlord and an attached form called Notice of Financial Hardship, do I need to fill it out?

Answer: If you missed paying rent due to financial hardship related to COVID-19 and want to avoid having to pay late fees and avoid a negative credit rating, you must fill out the form and send it to your landlord no later than 30 days after *each* missed rent payment.

The protection against paying late fees and credit reporting applies only if you have suffered a COVID-19 related financial hardship since March 10, 2020, such as:

- Being laid off or having your work hours reduced by your employer
- Reduced self-employment income
- Having to stay home due to illness or caring for someone else with COVID-like symptoms

2) What is the purpose of the Notice of Financial Hardship?

Answer: Once you have completed this form and sent it to your landlord within 30 days of the date the rent is due, the landlord cannot charge you late fees or report you to a credit reporting agency.

3) I don't have access to a computer or printer to use the proper form. What can I do?

Answer: You can request a copy from your landlord and they must provide it within 5 days of request.

DHCD has now posted the form on-line as a fillable PDF. If you have access to a computer or smartphone with Internet access, you can fill out the form on-line, electronically “sign” it by typing your name on the signature line, and emailing it to your landlord or management agent.

If you do not have the ability to complete the form electronically, you can send a signed letter or an email to your landlord explaining that you missed the rent payment due to a financial hardship due to COVID-19. In that letter, provide detailed information about how your income and expenses have been directly impacted by COVID-19. Give details to your landlord about your income and expenses prior to the State of Emergency and after the emergency. Attach any relevant documentation to the letter (notice of termination, layoff, or furlough from employer, notice of closure of business, etc).

DHCD has now posted the form on-line as a fillable PDF. If you have access to a computer or smartphone with Internet access, you can fill out the form on-line, electronically “sign” it by typing your name on the signature line, and emailing it to your landlord or management agent.

4). I just applied for RAFT assistance and had to provide a lot of documentation, including pay stubs and documentation of job loss. Can I send my landlord a copy of my RAFT application and the backup documentation instead of filling out the financial hardship form?

Answer: Yes, but you will also need to provide further information to your landlord about your RAFT benefits. Information in the RAFT application will be sufficient to show what your income was prior to March 10, 2020, and after March 10, 2020, other than RAFT benefits. However, if you are approved for RAFT benefits, the amount of

those benefits must be included in your current income, and you must be able to show that you are still experiencing financial hardship even after receiving the RAFT benefits.

5) I just applied for assistance through my city or town, and all I had to submit was a one-page statement that I suffered financial hardship. My landlord says that he will hold off on charging late fees or reporting my nonpayment to a credit bureau if I give him that statement. Do I have to fill out the form?

Answer: Not if your landlord agrees to accept something else. The purpose of having an approved form is to minimize disagreements between landlords and tenants about how much documentation is enough. If you and your landlord are in agreement on a shorter form or other form of documentation, that is fine, but you should ask your landlord to put your agreement in writing.

6) My landlord knows I was laid off and says she does not need any documentation from me. Will I get into trouble if I don't send her documentation?

Answer: No. But you should ask your landlord to put that in writing (an email or handwritten letter is fine).

7) What if I missed sending the Notice on time, within the 30 day period of missed payment?

Answer: Send it anyway and it will be up to the landlord whether to consider a late Notice before deciding to collect late fees or reporting to the credit bureau.

8) I paid partial rent, should I still send this form to my landlord?

Answer: Unless you paid full rent on time, you should give a Notice of Financial Hardship to the landlord or management agent.

9) Who has to sign the form?

Answer: Every adult, 18 years or older, who contributes income to the household that could go toward rent.

10) I don't have exact dollar amounts to fill out this form. What should I do?

Answer: Complete the form to the best of your knowledge before submitting. If you realize that you made a mistake and provided any incorrect information, contact your landlord or management agent so that they have the correct information.

11) Does every adult need to fill out this form separately?

Answer: Every adult who has income needs to sign the form, but only one form is needed per household following a missed rent payment.

12) If I miss more than one month's rent payment during the state of emergency, do I need to send the notice again?

Answer: Yes, because your financial situation could change month to month. Example:

- Mary Smith is the sole adult with income in her household. She is laid off in mid-April when her employer closes due to COVID-19.
- She applies for unemployment benefits, but does not receive the first check until mid-May.
- If Mary is unable to pay rent on May 1, she should fill out the form and send it to her landlord by May 30 to document her COVID-19 related financial hardship.
- Once she starts receiving the unemployment insurance, her financial situation will change. She may still be able to demonstrate financial hardship, if her income is still less than what it was before she was laid

off and she does not have enough total income to cover rent and basic living expenses. But in any event, she will need to update the form to list the income she is now receiving from unemployment insurance.

13) Do I have to list income other than wages or salary? What about CARES Act funds?

Answer: Yes. To avoid late fees and credit reporting due to nonpayment, the law requires you to demonstrate that you were unable to pay rent because of COVID-19 related financial hardship. If you have enough income to pay your rent and other basic living expenses, you do not qualify – regardless of the source of that income.

14) I worked in a restaurant before being laid off, and a lot of my income came from tips, which vary a lot. What should I put on the form?

Answer: Do your best to estimate how much you earn from tips in an average month, and include that amount under “other income” on the form. One way to estimate the amount of monthly income from tips would be to take the income from tips that you reported to the IRS on your taxes last year, and divide by 12. You could also list the total amount you received from tips from February 10 to March 10.

15). If I do not fill out the financial hardship form, can my landlord evict me during the moratorium?

Answer: No. The only reason to fill out the financial hardship form is to avoid late fees and credit reporting. Even if you do not fill out the form, your landlord still cannot evict you, or send a notice to quit, during the eviction moratorium, unless your actions or others in the household pose a threat to the health and safety of others.

16). What if my lease doesn't have a late fee clause? Can my landlord still try to collect them? If not, do I still need to fill out the financial hardship form?

Answer: The statute does not alter your lease, or require you to pay late fees that your landlord would not otherwise charge under your lease. You should still be in contact with your landlord about nonpayment and should still fill out the form to avoid credit reporting.

17). This is a complicated form. What happens if I do my best to fill out the form in good faith but I make a mistake and not every single detail ends up being accurate? If I have signed the certification, is there some sort of penalty later?

Answer: The law does not impose a penalty for making a mistake on the form, so long as you did not intentionally try to mislead your landlord by providing false information. However, if a court later finds that the form would not have shown you to have a COVID-19 related financial hardship if you had filled it out correctly, your landlord could charge you late fees or report you to a credit agency.