



Pass the COVID-19 Housing Equity bill now for a strong recovery!

An Act to prevent COVID-19 evictions and foreclosures and promote an equitable housing recovery
H. 1434 / S. 891

Too many eviction cases are being filed during the ongoing pandemic

Since the state eviction and foreclosure moratorium was lifted in October 2020 over [24,000 new eviction cases](#) have been filed in Massachusetts courts. More than [15,000 of these new cases](#) were filed for past due rent, despite over \$800 million dollars of available federal rent aid. As we prepare for winter there is a high degree of uncertainty about new coronavirus variants, children under age 12 still cannot be vaccinated but are attending in-person school, and childcare and employment remain unstable for many households.

Recent comparisons to numbers and rates of evictions in pre-pandemic years are not relevant. We are still in the midst of a volatile and dangerous public health situation, and this number of evictions is unacceptable in these circumstances - especially when considering that we have enough funds to prevent nearly every single eviction for unpaid rent.

Available rental assistance could resolve the vast majority of cases

Massachusetts has received unprecedented amounts of federal rental assistance to pay rent arrears and avoid eviction. Despite this, tens of thousands of eviction cases have been filed and untold more tenants have “self-evicted” - moved out of their homes before being formally evicted - when these evictions might have been avoided with rental assistance. Although many improvements have been made to the rental assistance systems, aid has been slow to reach tenants. The process remains challenging for many applicants, particularly those with limited English proficiency, disabilities, and technology barriers.

Every defendant tenant named in a summary process case will carry a permanent eviction court record, [making it much more difficult for them to secure future housing](#) and possibly affecting their credit as well.

Too many executions are being issued

Over 6,000 executions have been issued by Massachusetts courts since last October, and over 3,600 executions were for non-payment cases. This means thousands of people are at risk of physical removal, the majority for cases where rental assistance could have resolved their cases, including households with children, elders, and those with disabilities.

Since the U.S. Supreme Court struck down the CDC eviction moratorium in September we have seen a [dramatic spike in the number of executions issued](#). There has also been a sharp increase in the number of tenants who defaulted in their eviction cases, possibly due to a change in Court policy that allows default judgments to enter at the First Tier event. These tenants are at risk of displacement even though rental assistance may have resolved their cases.

Court data do not capture all types of evictions

Official court execution numbers do not capture “self-evictions” or “informal evictions,” which never become court cases but nonetheless result in displacement. A fairly common situation is when tenants move out after being served with a notice to vacate, or simply leave or due to threats or harassment. Court execution numbers also may not capture cases where tenants move out before the end of a case, such as due to an agreement.

Homeowners are at risk of foreclosure

Around 30,000 homeowners in Massachusetts are seriously delinquent in their mortgage payments, and over 200,000 have slight to no confidence they will be able to make their next payment. Most forbearance plans are expected to end in early 2022, if they have not already expired, and many homeowners with private lenders have never had access to relief or forbearance options. Most troublingly, the majority of Massachusetts homeowners at risk of foreclosure are people of color living in the Gateway Cities, who have loans from the Federal Housing Administration, or FHA.

The federal government has allocated significant resources through the Homeowners Assistance Fund, or HAF, to assist homeowners who are at risk. However, the distribution of this aid has been delayed and funds may not be available until at least 2022. These funds are specifically designed to help these homeowners, but if foreclosures are not prevented immediately it will be too late for many. Once homeowners are foreclosed on they are at risk of eviction and do not qualify for legal assistance under existing Eviction Diversion Initiative programs.

Evictions and foreclosures have a disproportionate effect on communities of color and COVID has exacerbated this inequity

An increasing body of research has documented on the effects of COVID on existing inequities – as well as the life-saving benefits of anti-displacement efforts.

[Studies](#) show that eviction records disproportionately harm Black women and hamper the ability of individuals and households to recover and find new, stable places to live.

A [report from the Harvard Joint Center on Housing](#) found that tenants in predominantly white neighborhoods have received rent reductions and forgiveness during the pandemic, while landlords have been more likely to charge higher rent and file for eviction in neighborhoods with more people of color.

[Children's Health Watch](#) found that children who have faced eviction in the last 5 years are more likely to have poor health and other developmental risks.

What the COVID-19 Housing Equity bill does

Strong, truly upstream tenant and homeowner protections during the COVID-19 recovery are essential to protecting public health and mitigating racial inequities in Massachusetts. The bill will:

1. Keep unnecessary eviction cases out of court by requiring that rental assistance is pursued BEFORE filing for eviction.
2. Temporarily pause filings for no-fault eviction.
3. Reinstate a pause on foreclosures and require forbearance based on federal standards.
4. Require the state to implement guidance from the U.S. Department of Treasury to provide flexibility and simplicity in the application process, ensuring timely and equitable distribution of funds.
5. Protect the most vulnerable tenants from forced removal for COVID-19 debts.