



October 15, 2020

Governor Charlie Baker  
Massachusetts State House  
Office of the Governor  
24 Beacon Street, Room 280  
Boston, MA 02133

Speaker of the House Robert DeLeo  
Senate President Karen Spilka  
Massachusetts State Legislature

**Re: Urgent Need to Extend State Eviction Moratorium and Pass the COVID-19  
Housing Stability Act (H.5018/S.2831)**

Dear Governor Baker, Speaker DeLeo, and President Spilka:

The undersigned signatories – Lawyers for Civil Rights, the Urban League of Eastern Massachusetts, Rosie’s Place, Centro Presente, the Chelsea Collaborative, the Brazilian Worker Center, Family Nurturing Center, the Northeastern Community Business Clinic, and the Massachusetts Black Lawyers Association – collectively write to urge you to take immediate action to guarantee emergency housing stability during the COVID-19 pandemic. We are grateful for the recent infusion of \$171 million dedicated to keep Massachusetts renters in their homes.<sup>1</sup> We applaud this investment in tenants and landlords. However, in light of the scale and scope of the housing crisis, this is not enough. The coexistence of housing instability during a public health crisis places Massachusetts tenants in a dangerous position—particularly low-income families and tenants of color. We urge the Commonwealth to: 1) enact the COVID-19 Housing Stability Act (H.5018/S.2831); and 2) extend the eviction moratorium, paired with additional rental assistance resources to provide direct support to tenants and landlords.

**I. Increasing Housing Instability in Massachusetts Will Exacerbate the Current Public Health Crisis, Particularly for Communities of Color**

Escalated housing instability during the COVID-19 pandemic threatens Massachusetts renters, families, and public health. If the eviction moratorium is lifted, more households will face impending homelessness—forcing people to try to “double up” with family, friends, or seeking emergency shelter. This will decrease necessary social distancing and increase risk of exposure and subsequent transmission of COVID-19. Increased chronic stress, which is associated with worse health outcomes if the virus is contracted, will be inflicted on those evicted.<sup>2</sup> Furthermore, the ability for children in Massachusetts to receive a proper education—now virtually in a number of school districts—will be all the more difficult to access while navigating homelessness.

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<sup>1</sup> *Will Baker’s Rental Relief Plan Be Enough to Fend Off a Feared Wave of Evictions*, Boston Globe (October 12, 2020) (retrieved from: <https://www.bostonglobe.com/2020/10/12/business/with-eviction-moratorium-expiring-baker-announces-171-million-package-aid-renters-landlords/>).

<sup>2</sup> *Why Researchers Are Worried about Chronic Stress and COVID-19*, Vox (September 3, 2020) (retrieved from <https://www.vox.com/2020/9/3/21419902/covid-19-risk-factors-chronic-stress-racism-immune-system>).



In addition to all of the above, the significant health disparities surrounding the coronavirus are well documented. Data from the Massachusetts Department of Public Health's COVID-19 Equity Advisory Group found that Black and Latinx residents have contracted the coronavirus at a rate that is three times higher than white residents.<sup>3</sup> The Advisory Group also noted that nine out of 10 of the towns and cities with the highest rates of COVID-19 in the state were in communities where more than half of the residents identify as a person of color.<sup>4</sup>

Data also show that a torrent of evictions will emerge from these same communities when the moratorium ends.

City Life/Vida Urbana and MIT have documented that as many as 1 in 3 Massachusetts tenants are presently at risk of eviction—over 300,000 renters.<sup>5</sup> Massachusetts housing courts also predict an avalanche of at least some 20,000 evictions being filed in Boston alone the first day the moratorium lifts.<sup>6</sup> Communities of color will be the hardest hit when this occurs. City Life/Vida Urbana and MIT have found that 78 percent of eviction filings in Boston were in communities of color during the first month of the Massachusetts state of emergency.<sup>7</sup> They also analyzed eviction records in Boston from 2014 to 2016, and confirmed that evictions are filed up to seven times as often in communities of color compared with predominantly white communities.<sup>8</sup>

## **II. Requested Action**

### **A. Extend the State Eviction Moratorium**

The most expedient way to ensure the safety of Massachusetts renters is for Governor Baker to extend the current eviction moratorium, slated to end October 17, 2020. As we are continually reminded, the pandemic is far from over. The number of confirmed coronavirus cases in Massachusetts reached 765 on October 12, the highest daily number since May.<sup>9</sup> Data released on October 14 also indicates there are 63 cities and towns in Massachusetts that are currently categorized in a “red zone,” where there are more than 8 cases per 100,000 people.<sup>10</sup> A “red zone” community is at extremely high risk for COVID-19 infection.

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<sup>3</sup> *New Data from State Advisory Group Shows Communities of Color Disproportionately Affected by COVID-19*, Boston.com (June 20, 2020) (retrieved from <https://www.boston.com/news/coronavirus/2020/06/20/massachusetts-coronavirus-health-equity-group-findings>).

<sup>4</sup> *See New Data from State Advisory Group Shows Communities of Color Disproportionately Affected by COVID-19*, *supra* n. 2.

<sup>5</sup> *Estimating Evictions in Massachusetts during COVID-19*, City Life/Vida Urbana and MIT (August 2020) (retrieved from [https://d3n8a8pro7vhmx.cloudfront.net/clvu/pages/2727/attachments/original/1596574636/August\\_eviction\\_estimates\\_report.pdf?1596574636](https://d3n8a8pro7vhmx.cloudfront.net/clvu/pages/2727/attachments/original/1596574636/August_eviction_estimates_report.pdf?1596574636)).

<sup>6</sup> *The Coming Eviction Crisis Will Be Worse Than You Think*, Boston Magazine (July 8, 2020) (retrieved from <https://www.bostonmagazine.com/property/2020/07/08/boston-eviction-moratorium-august/>).

<sup>7</sup> *Evictions in Boston: The Disproportionate Effects of Forced Moves on Communities of Color*, City Life/Vida Urbana and MIT (June 2020) (retrieved from <https://www.bostonevictions.org/>).

<sup>8</sup> *See Evictions in Boston: The Disproportionate Effects of Forced Moves on Communities of Color*, *supra* n. 6.

<sup>9</sup> *See Dashboard of Public Health Indicators*, Massachusetts Department of Public Health (October 12, 2020) (retrieved from <https://www.mass.gov/doc/covid-19-dashboard-october-12-2020/download>).

<sup>10</sup> *These 63 Communities Are Now at High Risk for COVID-19, According to the State*, Boston Globe (October 15, 2020) (retrieved from <https://www.bostonglobe.com/2020/10/15/nation/these-63-communities-are-now-high-risk-covid-19-according-state/>).



Out of the 63 cities and towns presently in the “red zone,” cities with the largest populations also have a higher percentage of residents of color, including: Boston, Lowell, Lynn, and Springfield.<sup>11</sup> If the moratorium is lifted, the deluge of tens of thousands of evictions will disproportionately affect Massachusetts’ communities of color.<sup>12</sup> This disproportionate burden on communities of color—in terms of the concurrent intersection of the public health and housing crises—is deeply concerning.

Additionally, a number of “red zone” communities, including Boston, are presently not moving forward with the next phase of the state’s reopening plan<sup>13</sup>—anticipating a strong possibility of a second wave of COVID-19 infections this Fall.<sup>14</sup> It is clear these public health and safety measures are being enacted in order to try to put a halt to the growing number of COVID-19 infections in Massachusetts presently. It only makes sense to extend this good public policy to protect Massachusetts residents where they are the most vulnerable: in their homes.

An extension of Massachusetts’ moratorium is necessary because many states have already experienced confusion on implementing the Centers for Disease Control and Prevention’s (CDC) federal eviction moratorium.<sup>15</sup> Massachusetts currently has the strongest eviction moratorium in the country<sup>16</sup>, and it would be bad public policy to forego it in favor of the CDC moratorium.

For all of the reasons above, we implore Governor Baker to extend the Massachusetts state eviction moratorium past October 17, 2020.

We also urge the Commonwealth to pair the moratorium extension with additional rental assistance resources.<sup>17</sup> We are grateful for the recent infusion of \$171 million dedicated to keep Massachusetts renters in their homes.<sup>18</sup> We applaud this investment in tenants and landlords. However, in light of the scale and scope of the housing crisis, this is not enough. Additional resources must be dedicated to ensure that all eligible tenants, landlords, and small businesses can meaningfully participate. This is critical to ensure that families and communities are not displaced and devastated. We are asking the Commonwealth to increase this investment. Furthermore, we advocate for more capacity-building resources to be dedicated to the nine Housing Consumer Education Centers state-wide. This will help build more effective systems to

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<sup>11</sup> *About the American Community Survey*, United States Census Bureau (retrieved from <https://www.census.gov/programs-surveys/acs/about.html>).

<sup>12</sup> *See Fourth Updated Order Regarding Court Operations Under the Exigent Circumstances Created by the COVID-19 (Coronavirus) Pandemic*, Massachusetts Supreme Judicial Court (September 17, 2020) (retrieved from: <https://www.mass.gov/doc/sjc-fourth-updated-order-regarding-court-operations-under-the-exigent-circumstances-created-by/download>). There are additional concerns regarding the Supreme Judicial Court’s capacity and ability to afford due process to every affected tenant under the present court reopening plan.

<sup>13</sup> *Walsh Says Boston Will Not Move Forward with the Next Phase of State’s Reopening Plan, as City Enters Red Zone*, Boston Globe (September 30, 2020) (retrieved from: <https://www.bostonglobe.com/2020/09/30/metro/walsh-says-positive-covid-19-cases-increasing-boston-hopes-avoid-another-shutdown/>).

<sup>14</sup> *Massachusetts Hospitals Bracing for Second Coronavirus Surge*, NBC Boston (August 6, 2020) (retrieved from: <https://www.nbcboston.com/news/coronavirus/hospitals-brace-for-second-surge-of-coronavirus/2172712/>).

<sup>15</sup> *How Does the Federal Moratorium Work? It Depends Where You Live*, New York Times (October 1, 2020) (retrieved from: <https://www.nytimes.com/2020/09/16/business/eviction-moratorium-renters-landlords.html>).

<sup>16</sup> *COVID-19 Housing Policy Scorecard*, Eviction Lab at Princeton University (retrieved from: <https://evictionlab.org/covid-policy-scorecard/>).

<sup>17</sup> *See Housing Advocates, Landlords, Vie for Funds to Cover Rents and Head Off Evictions in Mass.*, WBUR (October 8, 2020) (retrieved from: <https://www.wbur.org/news/2020/10/08/eviction-moratorium-renters-crisis-federal-funds-courts>). Other Massachusetts housing groups, tenant advocates, and landlords are in agreement about the need for additional funding.

<sup>18</sup> *See Will Baker’s Rental Relief Plan Be Enough to Fend Off a Feared Wave of Evictions?*, *supra* n. 1.



distribute RAFT funds to landlords on an expedited basis. Coupled with an extension of the eviction moratorium, all these resources will help save lives.

**B. The Massachusetts Legislature and Governor Baker Must Pass the COVID-19 Housing Stability Act**

We also urge the Massachusetts State Legislature and Governor Baker to pass the COVID-19 Housing Stability Act (H.5018/S.2831), which would aid both vulnerable renters and landlords up to 12 months after the end of the State of Emergency. The Housing Stability Act addresses not only an eviction ban for tenants, but also offers other protections to renters—as well as assisting and stabilizing landlords and homeowners:<sup>19</sup>

- Strong eviction protections for tenants:
  - The bill prevents eviction for non-payment due to direct or indirect impact of COVID-19 (for payments missed March 10, 2020 through 12 months after the end of the State of Emergency);
  - Stops rent increases for the same duration of time;
  - Prevents unfair damage to credit and negative court records; and
  - Expands eligibility for RAFT.
  
- Supporting homeowners:
  - The act extends the ban on foreclosures of most owner-occupied properties;
  - Expands the right to mortgage deferment (with payments put on the end of the loan) through 12 months after the end of the State of Emergency; and
  - Ensures borrowers cannot be charged penalties for missed payments during the forbearance.
  
- Stabilizing landlords:
  - The bill extends the right to a mortgage deferment to landlords who own up to 15 rental units;
  - Establishes a COVID-19 Housing Stability and Recovery Fund to assist property owners who lost rental income or missed mortgage payments due to the pandemic;
  - Ensures working-class homeowners and owner-occupant, non-profit, and small-scale landlords have first priority in receiving support from the Fund—and creates an oversight board with representation from communities hardest hit by the pandemic and housing crisis; and
  - Creates a new tax credit program for landlords that would allow them to write off any rental losses in exchange for agreeing to rent cancellation.

We proudly support and join the over 200+ community-based groups in Massachusetts that have already endorsed the COVID-19 Housing Stability Act.<sup>20</sup> We are encouraged that the Legislature’s Joint Committee on Housing has recently voted to advance the COVID-19 Housing Stability Act, and that the bill will now move to the House Ways and Means Committee. We urge the Legislature to continue to move the legislative process forward expeditiously, to ensure the continuation of these urgently-needed tenant protections—as well as necessary stabilization measures for landlords. We also strongly advocate for Governor Baker to thereafter sign the bill immediately into law.

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<sup>19</sup> *Housing is a Human Right*, Homes for All Massachusetts (retrieved from: <https://homesforallmass.netlify.app/>).

<sup>20</sup> See *Housing is a Human Right*, *supra* n. 19.



**LAWYERS FOR  
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