

COMMERCIAL REAL ESTATE INSIGHT & NEWS

The Bowditch & Dewey Real Estate Blog

Massachusetts Commits $171MM for Programs to Help Tenants and Landlords Impacted by COVID-19

BY SAMANTHA P. MCDONALD • NOVEMBER 17, 2020

As we have previously reported, in March the Commonwealth instituted an eviction and foreclosure moratorium which, among other things, provided a financial backstop for landlords effected by their tenants' inability to make rent payments because of the economic impact of COVID-19. Among other things, the moratorium (1) required mortgage holders to extend mortgage terms for the months that any borrowers missed payments, and (2) prohibited lenders from charging late fees or providing negative reports to credit agencies. Read MA Executive Office of Housing & Economic Development Issues Regulations and Guidance on COVID-19 Eviction Moratorium for background.

The Massachusetts moratorium expired on October 17th, leaving many landlords facing tough choices about commencing eviction proceedings and lots of tenants facing potential displacement. As previously noted, the Federal Government, specifically the CDC, instituted its own eviction moratorium on September 4, 2020. The CDC moratorium is still in place, but it is far less comprehensive than its Massachusetts predecessor and it lacks any protections for landlords. Read Massachusetts Eviction and Foreclosure Moratorium Expires and is Replaced by a More Limited CDC Order for background.

The predicted fall resurgence of COVID-19 is in full swing in Massachusetts and the economic outlook continues to look weak for many food service, retail and other service industry businesses and downright bleak for people now or formerly employed by these businesses. The status of any direct stimulus assistance from Washington is uncertain generally, and certainly at least a couple of months away. As the winter months set in, the office of the Governor, the legislature, the courts, and public health officials are deeply concerned about a predicted forthcoming wave of evictions; perhaps only slightly less concerned than tenants who are unable to pay their rent. To flatten the anticipated curve of evictions, Governor Baker announced that the Commonwealth is making $171 million available to foster housing stability.

The $171 million is broken down across several established programs…

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- $100 million to expand the Commonwealth's RAFT (Residential Assistance for Families in Transition) program, which is aimed at providing relief to renters and, by extension, landlords impacted by COVID-19;
- $48.7 million to increase funding for HomeBASE and other rapid re-housing programs to help tenants who are evicted or are at risk of displacement;
- $12.3 million to provide tenants and landlords with access to legal representation and related services prior to and during the eviction process, as well as community mediation to help tenants and landlords resolve cases without litigation;
- $6.5 million for Housing Consumer Education Centers which the Commonwealth sees as the "front door" system for citizens facing a housing emergency; and
- $3.8 million for the Tenancy Preservation Program, to provide case management support and to act as a neutral party to help tenants and landlords come to agreement.

These programs have previously been structured solely to assist tenants, excepting only legal assistance programs which can assist qualifying landlords directly. In keeping with the theme of bringing landlords and tenants together, landlords can now apply, with a tenant's permission, to these programs directly on a tenant's behalf. There are limitations to this assistance, for example, which landlords are entitled to participate, which tenants are entitled to the assistance, the amount of funds used for any one tenant, among others.

Visit the Commonwealth's Resources for Renters, Homeowners, and Landlords for more information.

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