



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

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

NOTICE TO QUIT REQUIREMENTS AND RESOURCES FOR LANDLORDS

How must landlords issue notices to quit?

The Commonwealth of Massachusetts has recently put new requirements in place for landlords regarding the issuance of notices to quit. From December 31, 2020 until the end of the COVID-19 state of emergency, landlords must do the following:

1. Together with the notice to quit itself, provide tenants with a completed copy of the Notice to Quit Attestation Form. This form has been developed by the Executive Office of Housing and Economic Development (EOHED) and is available at <https://www.mass.gov/doc/landlord-attestation-and-tenant-notice-form-and-translations/download>.
2. Submit a copy of the notice to quit to EOHED at <https://www.mass.gov/forms/massachusetts-notice-to-quit-form-submission>.

Why is the Attestation Form required?

The requirement for the Attestation Form was developed by the Massachusetts Legislature and signed into law by Governor Baker on December 31, 2020. On the Attestation Form, the landlord answers three questions:

1. Has the tenant declared that they are covered under the Center for Disease Control and Prevention's order "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19"?
2. Is the unit a "covered dwelling" as defined in the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")?
3. Are there existing agreements between the tenant and landlord related to the repayment of overdue rent?

If the answer to any of the above questions is "yes," special restrictions may apply to eviction of the tenant. By completing and submitting the Attestation Form, landlords can help ensure that their eviction actions are in compliance with state and federal law.

How does this change what I need to do to file an eviction action in court?

The Massachusetts [Housing Court](#) and District Court have issued updated orders telling landlords what they need to do to start an eviction action by filing a summary process complaint. Under these orders:

- Beginning on January 25, 2021, the courts will not accept a summary process filing for nonpayment of rent without an [Affidavit of Compliance](#) confirming that the tenants were given the required Attestation Form.
- The landlord must sign this form "under the penalties of perjury." This means that false statements may be subject to criminal penalties, including fines or imprisonment.
- The courts will rely on the Affidavit of Compliance to determine whether to accept a summary process filing.
- Landlords may be asked to provide the court or the tenant evidence of delivery of the Attestation Form.

What resources are available for landlords?

Landlords who own less than 20 units of housing may apply directly for the state's assistance programs (RAFT/ERMA) on behalf of their tenants. It is very important landlords coordinate with tenants before they apply for RAFT/ERMA. Landlords must obtain and submit a signed tenant consent form before applying for assistance. After speaking with your tenant, [contact your regional agency](#).

New free or low-cost legal assistance is now available for income-eligible owner-occupants of homes with rental units. [Click here](#) to contact the Volunteer Lawyers Project, call them at 617-603-1700, or email at celhp@vlpnet.org.

Massachusetts Community Mediation Centers are offering free pre-court mediation between landlords and tenants for COVID-19 related lease disputes in addition to the summary process cases referred through the courts. Mediation can help you resolve a case of rent arrears more quickly and reduce costs associated with an eviction. They can, explain how rent assistance benefits can help pay off arrears, stabilize a tenancy that worked well prior to the pandemic or help ease the transition and costs of a warrant of execution.

To find your local Community Mediation Center across the state check out www.resolutionma.org/housing.

More information on resources available through the Eviction Diversion Initiative is available at www.mass.gov/CovidHousingHelp

Further information

Further information regarding this topic, including instructions for completing the Attestation Form and links to applicable law and regulation, is available at mass.gov/noticetoquit.