

Member Advisory:

NOTICE TO QUIT REQUIREMENTS MADE PERMANENT

Chapter 257 of the Acts of 2020 was an emergency measure enacted by the Massachusetts legislature to help residential tenants threatened with eviction during the coronavirus pandemic. The act was supposed to expire when the Governor's state of emergency ended but various extensions were put in place, the last of which expires on March 31, 2023. However, thanks to Chapter 107 of the Acts of 2022, special requirements for notices to quit will become permanent as of April 1. Chapter 186, Section 31 will then be added to the Massachusetts General Laws, reading as follows:

(a) A notice to quit for nonpayment of rent given in writing by a landlord to a residential tenant pursuant to this chapter shall be accompanied by a form that shall include, but not be limited to: (i) documentation of any agreements between the tenant and landlord for the tenant to repay the landlord for nonpayment of rent; and (ii) information on: (1) rental assistance programs including, but not limited to, the residential assistance for families in transition program; (2) applicable trial court rules, standing orders or emergency administrative orders pertaining to actions for summary process; and (3) any relevant federal or state legal restrictions on residential evictions. The form shall also prominently display the following statement:

“THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT. YOU ARE ENTITLED TO A LEGAL PROCEEDING IN WHICH YOU CAN DEFEND AGAINST THE EVICTION. ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.”

(b) The executive office of housing and economic development shall develop the form required pursuant to this section and make it publicly available on its website. The information in clause (ii) of subsection (a) shall be made available in the 5 most common languages spoken in the commonwealth in addition to English. No court having jurisdiction over an action for summary process pursuant to chapter 239, including the Boston municipal court department, shall, in an eviction for nonpayment of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without proof of delivery of the form required under this section.

The Executive Office of Housing and Economic Development form, together with instructions on its use, will be made available at <https://www.mass.gov/noticetoquit>.

As always, members are advised to consult their own attorneys for more information.

Philip S. Lapatin
Holland & Knight LLP
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