

## New Requirements for Notice to Quit for Non-Payment of Rent and Changes to the Summary Process Rules and Procedures

May 2, 2023

As of April 1, 2023, certain requirements previously imposed on landlords and public housing authorities when issuing notices to quit for nonpayment of rent to residential tenants lapsed, and additional new mandates established under Chapter 107 of the Acts of 2022 became effective.

### Lapsed Mandates for Notices to Quit

The following changes are effective as of April 1, 2023:

- Public housing authorities and other landlords issuing a notice to quit for nonpayment of rent to a residential tenant are **no longer required** to include the “Attestation Form” previously required pursuant to Section 1(a) of Chapter 257 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021 and Chapter 42 of the Acts of 2022. ***As further discussed below, public housing authorities and landlords must now include a new Form to Accompany Residential Notice to Quit developed by the Executive Office of Housing and Economic Development (EOHED) in lieu of the former “Attestation Form.”***
- Public housing authorities and other landlords issuing a notice to quit for nonpayment of rent to a residential tenant **are no longer required** to submit a copy of the notice to quit to EOHED, as previously required pursuant to Section 1(b) of Chapter 257 of the Acts of 2020, as amended by Chapter 20 of the Acts of 2021 and Chapter 42 of the Acts of 2022.

### New Mandates for Notices to Quit

As of April 1, 2023, Section 1 of Chapter 107 of the Acts of 2022 requires that public housing authorities and other landlords issuing a notice to quit for nonpayment of rent to a residential tenant include an “Accompanying Form” prepared and made available by EOHED. This requirement is codified in Section 31 of Chapter 186 of the General Laws.

Accompanying Form. Any notice to quit for nonpayment of rent given to a residential tenant must now be accompanied by a form that shall include:

- (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 (RAFT) 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 EVICTION. ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.”

The EOHEC has developed the new Form to Accompany a Residential Notice to Quit, a copy of which is attached and also available at <https://www.mass.gov/info-details/notice-to-quit-accompanying-form>.

Proof of delivery of the so- called “Accompanying Form” is required to initiate a summary process eviction for nonpayment of rent for a residential dwelling unit.

Please contact your KP Law attorney if you have further questions.

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## **FORM TO ACCOMPANY RESIDENTIAL NOTICE TO QUIT**

*Pursuant to section 31 of chapter 186 of the General Laws, a notice to quit for nonpayment of rent given by a landlord to a residential tenant pursuant to section 11 or section 12 of chapter 186 of the General Laws must be accompanied by this form. Instructions for completing this form can be found here: <https://www.mass.gov/info-details/notice-to-quit-accompanying-form>.*

Name(s) of landlord(s): \_\_\_\_\_ (“Landlord”)

Name(s) of tenant(s): \_\_\_\_\_ (“Tenant”)

Address where the tenant lives: \_\_\_\_\_ (“Unit”)

**THIS NOTICE TO QUIT IS NOT AN EVICTION. YOU DO NOT NEED TO IMMEDIATELY LEAVE YOUR UNIT.**

**YOU ARE ENTITLED TO A LEGAL PROCESS IN WHICH YOU CAN DEFEND AGAINST THE EVICTION.**

**ONLY A COURT ORDER CAN FORCE YOU TO LEAVE YOUR UNIT.**

### **Existing Agreements with Tenant**

There (check one) are  are not  existing written or verbal agreements between the Tenant and Landlord related to the repayment of overdue rent. A copy of any existing written agreement(s) must be attached to this form. If there is a verbal agreement, check this box .

### **Information Regarding Rental Assistance Programs**

If you are having trouble paying your rent, there is help available. **Residential Assistance for Families in Transition Program (RAFT)** is a program offered by the Department of Housing and Community Development (DHCD). RAFT helps keep households in stable housing situations when facing eviction, foreclosure, loss of utilities, and other housing emergencies caused by loss of income, increase in expenses, or both. RAFT helps all kinds of households by providing up to \$10,000 per household to help preserve current housing or move to new housing. Find more information here - <https://www.mass.gov/service-details/residential-assistance-for-families-in-transition-raft-program>

You may apply for RAFT via DHCD’s Central Application portal located here – [www.mass.gov/housinghelp](http://www.mass.gov/housinghelp)

A good way to learn more about available resources is to call 211 or visit DHCD’s web page at <https://hedfuel.azurewebsites.net/raa.aspx> to be referred to your local Housing Consumer Education Center. You can also learn more at <https://www.mass.gov/guides/facing-eviction-we-can-help>

## **Trial Court Rules, Standing Orders, or Emergency Administrative Orders Pertaining to Actions for Summary Process**

The Massachusetts trial court rules on summary process cases can be found here:

<https://www.mass.gov/trial-court-rules/trial-court-rule-i-uniform-summary-process-rules>

The Massachusetts trial courts have issued the following standing orders that affect how eviction cases are filed and processed:

- [Trial Court of Massachusetts Housing Department's Third Amended Standing Order 6-20](#)
- [Interim Housing Court Standing Order 1-23: Continuation of temporary modifications to court operations \(Effective June 5, 2023\)](#)
- [Massachusetts District Court Third Amended Standing Order 10-20](#)
- [Boston Municipal Court Third Revised Standing Order 11-20](#)

## **Federal Restrictions on Residential Evictions**

If you live in a building with five or more units, or if you receive a HUD tenant-based voucher, you may have more federal protections. If your property is a “covered dwelling” under section 4024(a)(1) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (the “CARES Act”), then your Landlord may be required to give you written notice at least 30 days before filing an eviction claim.

Additional information on potentially applicable federal eviction restrictions can be found on the website of the Consumer Financial Protection Bureau:

<https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/federally-subsidized/>