

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mike Connolly and Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID19
Emergency.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>

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[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID19
Emergency.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to
establish forthwith a Moratorium on Evictions and Foreclosures during the Governor’s COVID
19 emergency declaration , therefore it is hereby declared to be an emergency law, necessary for
the immediate preservation of the public safety, health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority
of the same, as follows:*

1 SECTION 1. (a) Notwithstanding chapters 186 or 239 of the General Laws or any
2 general or special law to the contrary, no court having jurisdiction of an action for summary
3 process pursuant to chapter 239 or other form of eviction action shall: (i) enter a judgment or
4 default judgment for a plaintiff for possession of a residential dwelling unit, (ii) issue an
5 execution for possession of a residential dwelling unit; (iii) accept for filing a writ, summons or
6 complaint for possession of a residential dwelling; or (iv) deny, upon the request of a defendant,
7 a stay of execution or continuance of a summary process case from the date of the emergency
8 declaration issued by the Governor, dated March 10, 2020 and designated as executive order
9 number 591, until such time as the emergency declaration is rescinded by the governor.

10 (b) Any deadline or time period for action by a party to a summary process defendant,
11 such as a date to answer a complaint, or to appeal a judgment, is tolled until the emergency
12 declaration is rescinded by the governor. The time period for action shall begin to run from
13 when the emergency declaration is rescinded by the governor.

14 (c) No sheriff, deputy sheriff, constable or other person shall enforce or levy upon an
15 execution for possession from the date of the emergency declaration issued by the Governor,
16 dated March 10, 2020 and designated as executive order number 591, until such time as the
17 emergency declaration is rescinded by the governor. A violation of this subsection shall be
18 punishable by a fine of \$5,000 or 6 months imprisonment in a county jail, or by both.

19 SECTION 2. Notwithstanding chapters 239 or 244 of the General Laws or any general or
20 special law to the contrary, no creditor, mortgagee or person having estate in the land mortgaged,
21 or a person authorized by a power of sale pursuant to section 14 of said chapter 244 or right of
22 entry, or the attorney duly authorized by a writing under seal or the legal guardian or conservator
23 of such mortgagee or person acting in the name of such mortgagee or person, shall for the
24 purposes of foreclosure of a residential property, as that term is defined in section 35B of said
25 chapter 24: (A)(i) cause publication of notice of a foreclosure sale pursuant to said section 14;
26 (ii) exercise a power of sale; (iii) exercise a right of entry or (B) (i) initiate a summary process
27 action from the date of the emergency declaration issued by the Governor, dated March 10, 2020
28 and designated as executive order number 591, until such time as the emergency declaration is
29 rescinded by the governor. A violation of this section shall be punishable by a fine of \$5,000 or
30 6 months imprisonment in a county jail, or by both.