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LEGAL ALERT

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Orlans PC *Client Alert***Attorney - Client Privileged Communication****MASSACHUSETTS GOVERNOR DECLINES TO EXTEND
FORECLOSURE AND EVICTION MORATORIA**

On October 17th MA Governor Charlie Baker declined to further extend the state moratoria on initiating or continuing (i) mortgage foreclosures on owner occupied properties or (ii) “non essential” evictions which include post foreclosure evictions. The moratoria were a central component of MA Ch. 65 of the Acts of 2020 (“Ch. 65”) enacted on April 20, 2020 in response to COVID-19. The moratoria which were set to expire on August 18th had been extended to October 17th by the Governor. The Governor’s decision effectively sunsets Ch.65. Accordingly, the Commonwealth and MA Courts took the following actions on October 19, 2020:

Evictions

- The Housing Court amended its rules to begin processing post foreclosure evictions again but outlined detailed and tiered procedural steps and required notices. Under the rules, cases subject to the CDC eviction moratorium, in effect until December 31st may proceed through judgment with a stay on executions/move outs until after that date. Click below for the Housing Court rules:
http://go.pardot.com/e/312251/ifications-to-court-operations/dgxsx/1114948571?h=MQMeXC_MrF0j1yaJGjWCugXeo2ShR6CO8WzAdRzDPkg.
- Note - The eviction moratorium established by the GSEs, VA, FHA and USDA for owner occupied properties remains in effect until December 31, 2020, subject to any further extensions.
- Governor Baker launched the “Eviction Diversion Initiative” to mitigate impacts on the rental housing market from the pandemic. The program allocates a total of \$171 million for various housing initiatives and tenant protections, \$100 million of which will expand RAFT (Residential Assistance for Families in Transition) providing financial relief for impacted tenants and landlords, \$48.7 million allocated to Home Base Rental Assistance for tenants at risk of homelessness and \$12.3 million for

legal aid and mediation for tenants and landlords, etc. Click below for details about the program: http://go.pardot.com/e/312251/n-diversion-initiative-to-keep/dgxsz/1114948571?h=MQMeXC_MrF0j1yaJGjWCugXeo2ShR6CO8WzAdRzDPkg.

Foreclosures

- The MA Land Court issued Standing Order 8-20 allowing resumption of filing of SCRA actions with the following procedural clarifications:
- eFiling of pleadings on the Court's website for new and pending actions has been reactivated.
- The recently released affidavit of non applicability of the Ch. 65 and federal moratoria to the matter which was required to accompany all new filings is no longer required.
- The return date for a defendant to file an answer in an SCRA action asserting entitlement to the benefits of SCRA is extended to November 30, 2020 for actions that were filed between March 10, 2020 and October 17, 2020.
- Any notice steps completed for SCRA actions before April 20, 2020 remain valid. A supplemental order of notice may be requested to complete any unfinished steps.

Click below for the Order: http://go.pardot.com/e/312251/on-of-filing-and-processing-of/dgxt2/1114948571?h=MQMeXC_MrF0j1yaJGjWCugXeo2ShR6CO8WzAdRzDPkg.

Please contact Regina Slowey, Managing Litigation/Evictions Attorney, at 248-502-3070 or via email at rslowey@orlans.com or Jamie Welch, Lead NE FC Attorney, at 781-790-7852 or via email at jwelch@orlans.com with any questions.

Watch for additional Alerts in the next few days about required MA post foreclosure affidavits our office is finalizing with the national title companies and the bankruptcy implications of the sunset of Ch. 65.

If you have specific legal questions about your files, please feel free to contact our attorneys referenced below.

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