

Massachusetts Governor Extends Moratorium on Evictions and Foreclosures

Previously set to expire August 18, 2020, Governor Baker has extended Chapter 65 of the Acts of 2020, *An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID-19 Emergency* (the “Act”), by 60 days through October 17, 2020.

The provisions as they relate to small businesses remain in effect and unchanged, as such:

- A “small business premises unit” is defined as:

“a premises occupied by a tenant for commercial purposes, whether for-profit or not-for-profit; provided, however, that a small business premises unit shall not include a premises occupied by a tenant if the tenant or a party that controls, is controlled by or is in common control with the tenant: (i) operates multi-state; (ii) operates multi-nationally; (iii) is publicly traded; or (iv) has not less than 150 full-time equivalent employees.”

- The Act protects against “non-essential evictions” of “small business premises units,” with “non-essential eviction” defined as:

“an eviction: (i) for non-payment of rent; (ii) resulting from a foreclosure; (iii) for no fault or no cause; or (iv) for cause that does not involve or include allegations of: (a) criminal activity that may impact the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public; or (b) lease violations that may impact the health or safety of other residents, health care workers, emergency personnel, persons lawfully on the subject property or the general public; provided, however, that a non-essential eviction shall not include an eviction for a small business premises unit on account of the expiration of the term of a lease or tenancy or a default by the tenant of a small business premises unit under the terms of its lease or tenancy that occurred before the declaration of the COVID-19 emergency.”

Additionally, “a landlord shall not impose a late fee for non-payment of rent for a residential dwelling unit or a small business premises unit or furnish rental payment data to a consumer reporting agency, as defined in section 50 of chapter 93 of the General Laws, related to the non-payment of rent if, not later than 30 days after the missed rent payment, the tenant provides notice and documentation to the landlord that the non-payment of rent was due to a financial impact from COVID-19.”

Finally, the Act specifically states that tenants are in no way relieved from rent obligations and landlords retain the right to recover rent.

For a copy of Governor Baker’s letter extending the provisions of the Act, [click here](#). A full copy of the Act can be [viewed here](#).

The [Real Estate Law Group](#) at [Partridge Snow & Hahn](#) is ready to answer questions you may have about the Act.

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