

# CITY OF BOSTON

## Office of Housing Stability

### LANDLORD FREQUENTLY ASKED QUESTIONS

#### 1. *What is the Housing Stability Notification Act?*

The [Housing Stability Notification Act](#) requires landlords who are planning to end a tenancy agreement, to provide the household with the [Notice of Tenant's Rights and Resources](#) in their preferred language.

#### 2. *Where can I get more information on the CDC Moratorium?*

If your tenant meets certain conditions, they may be protected by the [Federal Eviction Moratorium](#), in effect until June 30, 2021. The moratorium protects qualified households from eviction due to nonpayment of rent. This does not prohibit landlords from filing an eviction case in court. A City of Boston version of the declaration, which tenants must fill out to be protected, can be found [here](#).

#### 3. *Where can I go for legal advice?*

The Office of Housing Stability hosts a [legal clinic](#) every Tuesday evening to assist tenants and small landlords.

If you are looking for legal representation, please contact the Volunteer Lawyers Project. The Volunteer Lawyers Project can help owner-occupants of 2 or 3-family homes if they are considering or in the process of filing an eviction case. You can contact the Volunteer Lawyers Project [here](#), call them at 617-603-1700, or email at celhp@vlpnet.org.

#### 4. *I'm having a disagreement with my tenant, can someone help?*

Our office provides direct referrals for landlord/tenant dispute assistance and mediation services. Email [housingstability@boston.gov](mailto:housingstability@boston.gov) or call (617) 635-4200 for assistance.

Our [landlord counseling](#) provides individual support to Boston landlords with nine or fewer units.

5. *I am a homeowner, can I get help with my mortgage payments and/or foreclosure assistance?*

An additional \$100 million has been granted to the [RAFT/ERMA Program](#) (Rental Assistance for Families in Transition/Emergency Rental and Mortgage Assistance), as part of its new [COVID-19 Eviction Diversion Initiative](#).

RAFT/ERMA may provide up to \$10,000 to assist with mortgage arrears and with upcoming mortgage payments. ERMA assistance is only available for mortgage arrears accrued after April 1, 2020 and due to COVID.

If your income is at or below 80% of Area Median Income (AMI), you may be eligible for this RAFT/ERMA program. You will be required to show that you are currently experiencing a housing crisis, and for ERMA (50 to 80% AMI), that this housing crisis is COVID-related. You can check income guidelines and get more information [here](#). Complete a RAFT/ERMA pre-application [here](#).

In order to be eligible for RAFT/ERMA mortgage assistance, you must have mortgage payments that are currently due or overdue. You will need a current mortgage statement and a letter from your lender indicating that you are at least 30 days in arrears and at risk of foreclosure. Any payments that are in deferment or forbearance will not be eligible because they do not pose an imminent risk.

Additionally, RAFT/ERMA can be used to cover the following expenses if not paying these expenses puts the homeowner at imminent risk of foreclosure (even if in forbearance or deferment):

- Property taxes not paid through the homeowner's escrow account
- Insurance not paid through the homeowner's escrow account
- Condo fees owed to a condo association

More information can be obtained by reaching out to the [Boston Home Center](#) at [homecenter@boston.gov](mailto:homecenter@boston.gov) or (617) 635-4663.

If your income is at or below 80% of AMI and you have experienced a COVID-related hardship, you may also be eligible for \$4,000 in mortgage assistance from the ABCD Mortgage Assistance program. Fill out the online application [here](#).

## 6. *Is there rental assistance for my tenants that can't pay rent due to COVID-19?*

Yes, there is. Encourage your tenants to apply for the [City of Boston Rental Relief Fund](#), which offers up to \$15,000 in rental assistance to residents at or below 80% of AMI who have been economically impacted by COVID-19.

Other assistance programs include:

- **RAFT/ERAP**, which will pay up to \$10,000 in rental assistance and/or up to 15 months of rental arrears for residents at or below 80% of AMI. The online application can be found [here](#).
- **ABCD Rental Assistance**, which will assist residents at or below 80% of AMI. The online application can be found [here](#).
- **City Flex Funds**, which will pay up to \$2,500 to residents at or below 80% of AMI who are at risk of losing their housing.
- **The BHA Rental Arrears Program**, which will pay up to 15 months of rental arrears for residents of public housing. Contact [rental.relief@bostonhousing.org](mailto:rental.relief@bostonhousing.org) for more information.

## 7. *Can I evict my tenant? How?*

You do not need specific grounds to initiate an eviction action. However, the most common grounds for eviction are non-payment or lease violation.

[Legal procedures](#) must be precisely followed in order to remove an unwilling tenant; starting with a notice to quit and potentially ending with a court ordered execution. Non-payment evictions require a 14 day notice to quit. All others require a 30 day notice to quit. Non-payment notices can be served at any time. All others must be served at least 30 days prior to their effective date.

You are required to set up a hearing at court if your tenant has not vacated by the expiration of your notice to quit. At court, your case will either be mediated by mutual consent or be determined by a judge.

## 8. *Can I require tenants to give me access to their unit?*

- Yes, however, only under three circumstances. Access to a tenants unit is required if it is an emergency, repairs need to be made, or to show a unit to prospective buyers/new tenants. A tenant must be given 24 hours notice or more of the scheduled visit.

### 9. *Am I required to have an escrow account?*

Yes, There are two types of escrow accounts: last month's rent and security deposit.

An owner can charge up to an amount equal to one month's rent for each of these deposits. A simple receipt must be provided for each type of deposit. The security deposit requires a second receipt stating the name and location of the bank, the account number and the amount deposited for the security deposit within 30 days of having taken the deposit. Both types of deposits require interest payments to the tenant at the end of one year.

At the end of a tenancy the security deposit must be returned in whole or in part within 30 days. Any deductions must be itemized and accompanied by supporting documentation. Security deposits can be used to make up for any unpaid rent. You have 10 days from the receipt of a security deposit to provide the tenant a written "Statement of Condition." You can be successfully sued by a tenant if you accept a security deposit without providing them with a "Statement of Condition."

### 10. *What fees am I allowed to charge?*

Landlords can legally charge a fee for:

- lock replacement,
- first month's rent,
- last month's rent,
- security deposit,
- late fees included in written tenancy agreements, and
- a finder's fee if the landlord is a licensed broker.

Fees can not be charged for holding an apartment, for allowing pets, or for finding an apartment (unless the landlord is a licensed realtor).

## 11. Are there any additional mortgage protections?

Under the [Coronavirus Aid, Relief, and Economic Security Act](#) (CARES Act), federally- or GSE-backed loan providers cannot foreclose on you until at least June 30, 2021.

You also have a right to request and obtain a forbearance for up to 180 days if you have been affected by COVID-19, and you can request an additional 180 days for a total of 360 days of forbearance.

Federal and State laws regulate the [foreclosure process](#) and the right to forbearance. Visit the Consumer Financial Protection Bureau [website](#) for information about mortgage relief options and protections for homeowners affected by COVID-19. For more detailed information, visit the National Consumer Law Center Library's [website](#).

Check [here](#) for help finding out who services and/or owns your mortgage. You should reach out to your mortgage servicer (the company you pay every month) and see how they can assist you. Because so many homeowners are affected by COVID-19, these programs are changing frequently and you may find that within a week or two, better options have become available.

If your mortgage is owned or insured by Freddie Mac or Fannie Mae, you may be entitled to the following protections:

- Your lender or loan servicer may not foreclose on you until at least March 31, 2021.
- You have a right to request and obtain a forbearance for up to 180 days.
- Freddie Mac is offering loan forbearance to multifamily owners affected by COVID-19 with loan payments being deferred for a 90-day period provided that they agree not to evict any tenants solely for non-payment of rent within this same period. You should reach out to your lender to see what forbearance options are available to you. Check [here](#) for more information about COVID-19-related relief offered to property owners with mortgages backed by Freddie Mac. To find out if your loan is backed by Freddie Mac click [here](#).
- Check [here](#) for more information about COVID-19-related relief offered to property owners with mortgages backed by Fannie Mae. To find out if your loan is backed by Fannie Mae click [here](#)

In addition, the FHA is suspending foreclosure activity for all FHA backed mortgages until June 30, 2021. You are more likely to have an FHA mortgage if you had a low down payment (5%), and it usually says FHA right on your mortgage. More details from the FHA can be found [here](#).

Some private lenders including Bank of America, Citibank and Quick Loans have announced mortgage/foreclosure relief programs for those facing hardship due to COVID-19. Find information on private lenders' hardship programs [here](#).