



**SECOND TEMPORARY ORDER SUNSETTING THE EVICTION MORATORIUM IN
THE CITY OF BOSTON ON MARCH 31, 2022**

DATE OF ORDER: February 25, 2022

The Boston Public Health Commission, acting through its duly appointed and authorized agent, Executive Director Bisola Ojikutu, pursuant to M.G.L. c. 111, § 30, the Boston Public Health Act of 1995, M.G.L. c. 111 App §§ 2-6, M.G.L. c. 111 §§ 6, 7, 31, 95, 104, 122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes as well as the Boston Public Health Commission's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Boston dated March 15, 2020, as extended, hereby enacts and declares as follows:

Whereas, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") in the City of Boston pursuant to declaration of the Boston Public Health Commission dated March 15, 2020 and extended on April 24, 2020 remains in full force and effect; and

Whereas, in recognition of the public health risk of spreading COVID-19 posed by evictions, on August 31, 2021, the Interim Executive Director of the Boston Public Health Commission issued a Temporary Order Establishing an Eviction Moratorium in the City of Boston ("Moratorium") in effect until rescinded by the Executive Director at the time of such decision, in their discretion; and

Whereas, in certain neighborhoods with significant populations of historically marginalized groups that face a higher risk of evictions, such as Dorchester, Mattapan, East Boston, and Roxbury, the positivity rate of COVID-19 is still above 5% and vaccination rates are still less than 70%; and

Whereas, evictions cause residents to seek alternative accommodations, often including moving in with friends or family or residing in shelters, all of which pose additional challenges to avoiding and managing the risk of contracting and spreading COVID-19; and

Whereas, public health data, including ICU occupancy, the number of COVID-19 hospitalizations, the community positivity rate for COVID-19, and vaccination rates among

residents, indicate continued improvement in the prevalence and severity of the COVID-19 pandemic in Boston at the present time; and

Whereas, although COVID-19 continues to pose a particular risk to those evicted from housing that should be accounted for and mitigated, improvements in key public health metrics at this time support ending the municipal-level eviction Moratorium in an orderly manner; and

Whereas, it is critical to provide tenants facing eviction clear notice of how and when the Moratorium will end, in order to provide them with an opportunity to prepare for a move to alternative housing accommodations and to mitigate the public health risks of such a move; and

Whereas, in order to assist in mitigating the public health impacts of residential displacement caused by eviction, it is important to provide agencies that support tenants in locating alternative housing accommodations with an opportunity to prepare for the sunset of the Moratorium; and

Whereas, the Executive Director of the Boston Public Health Commission has determined that defined, time-limited measures are necessary to effectively sunset the August 31, 2021 Order in an orderly manner that provides reasonable notice to tenants and that allows tenants and agencies that serve tenants to mitigate the impact that evictions have on the exposure to and spread of COVID-19 in Boston; and

Whereas, the intent of this Order is to provide reasonable notice to tenants and the agencies that support them of the end of the Moratorium, and to protect against the imminent and immediate threat to public health and welfare stemming from an abrupt end to tenant protections. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE TEMPORARY ORDER ESTABLISHING AN EVICTION MORATORIUM IN THE CITY OF BOSTON DATED AUGUST 31, 2021, IS HEREBY RESCINDED AND REPLACED AS FOLLOWS:

1. To provide notice and an opportunity to plan for the end of the Moratorium to Boston tenants and families who have been afforded the protection of the Moratorium, until March 31, 2022, no landlord and/or owner shall serve or cause the service of notice of levy upon an eviction, or otherwise enforce a residential eviction upon a resident of Boston. This Order shall not apply to cases where a Court of competent jurisdiction has entered a judgment against a tenant which relates to serious violations of the terms of the tenancy that impair the health and safety of other building residents or immediately adjacent neighbors.
2. The remedies listed in this Order are not exclusive of any other remedies available under applicable federal or state law. If any provision of this Order or the application thereof to any person, entity or circumstance is determined to be invalid by a court of competent

jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities or circumstances.

3. Landlords who currently possess an execution or who obtain an execution from the Housing Court between March 1, 2022 and March 31, 2022, are encouraged to provide notice of such execution to the City of Boston Office of Housing Stability at ohsintake@boston.gov or 617-635-4200 in order to provide that office with an opportunity to assist the tenant in seeking alternative housing accommodations.
4. The City of Boston Office of Housing Stability shall contact each tenant who it learns is subject to eviction to offer available housing crisis support.
5. This Order shall take effect on March 1, 2022 and shall expire on March 31, 2022.

ENFORCEMENT

At least five (5) business days before posting any notice of levy between March 1, 2022 and March 31, 2022, a constable must provide the City of Boston Office of Housing Stability at ohsintake@boston.gov with electronic written notice of their intent to post notice of levy, including the address and the name of the Housing Court case in which the execution was issued. All reasonable efforts will be made to secure voluntary compliance with this Order. In addition, this Order may be enforced through any and all mechanisms afforded by the authorizing statutes above, including application for an order of a court of competent jurisdiction. The Executive Director may seek the assistance of other City of Boston agencies in ensuring compliance with this order.

NOTICE

The City of Boston must promptly provide copies of this Order by posting on the Boston Public Health Commission website (bphc.org) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED:

Dated: February 25, 2022



**EXECUTIVE DIRECTOR
BOSTON PUBLIC HEALTH COMMISSION
AS AGENT OF THE BOARD OF HEALTH**