ATTACHMENT X

July 28, 2022

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 169 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 169 requires the Department of Housing and Community Development (“DHCD”) to conduct a study on the execution of no-fault evictions (those in which a tenancy is terminated without the fault of the tenant) from January 1, 2019 to July 31, 2022. The proposed section provides for specific information that must be collected as part of the study, and further provides that DHCD must collaborate on the report with a number of named housing advocacy groups. The findings of the study must be reported to the legislature by January 1, 2023.

I agree that the study would provide useful information on a critical topic. However, some of the requirements of the study require data that is infeasible for DHCD to obtain. The study is also required to be completed by the end of the year but the period to be studied continues until July 31, 2022, which means that new data needed for this study is still being generated even as the requirement becomes law. As a result, I am proposing an amendment that would adjust the scope of the study to exclude information that would be infeasible for DHCD to obtain and to provide DHCD additional time to undertake a successful study that will provide the Commonwealth, Legislators and stakeholders with productive information on this important matter.

For these reasons, I recommend that the bill be amended by striking out Section 169 and inserting in place thereof the following section:-

SECTION 169. For the purposes of this section, “no-fault eviction” shall mean a summary process action that results in the termination of a tenancy at will without fault of the tenant pursuant to section 13 of chapter 186 of the General Laws.

The department of housing and community development shall conduct a study on the execution of no-fault evictions from January 1, 2019 to July 31, 2022, inclusive. The study shall include, but not be limited to: (i) a count of families and individuals who were evicted through a no-fault eviction; (ii) an analysis of families and individuals who were removed from their rental unit pursuant to a no-fault eviction and who received rental assistance through the rental assistance for families in transition program, the emergency rental assistance program or any other rental assistance program; (iii) an examination of no-fault evictions that were executed after the foreclosure of a rental property by a third-party or bank; (iv) to the extent feasible, a demographic breakdown of those evicted through no-fault evictions including, but not limited to, race, ethnicity, age, gender identity and sexual orientation; and (v) a geographic breakdown of where no-fault evictions were executed.

The department of housing and community development shall work in collaboration with relevant interest and advocacy groups to complete the study, which may include, but shall not be limited to the Massachusetts Law Reform Institute, Inc., Homes for All Massachusetts, the Massachusetts Coalition for the Homeless, Inc., Lynn United for Change, City Life/Vida Urbana, Springfield No One Leaves, La Colaborativa, Inc. and the Citizens Housing and Planning Association, Inc. The department shall submit a report of its findings to the chairs of the joint committee on housing and post the report on the department’s website not later than July 1, 2023. All personally identifiable information shall be redacted from the report.

Respectfully submitted,

Charles D. Baker

Governor