Compliance with Notice to Quit Requirements

Instructions for Landlords & Required Residential Notice to Quit (NTQ) Form

Massachusetts law (section 31 of chapter 186 of the General Laws) requires a landlord giving a notice to quit for nonpayment of rent to a residential tenant to also give the tenant, at the same time, a form with certain information. The required form can be found here: https://www.mass.gov/info-details/notice-to-quit-accompanying-form.

This law states that "No court having jurisdiction over an action for summary process pursuant to chapter 239, including the Boston municipal court department, shall, in an eviction for nonpayment of rent for a residential dwelling unit, accept for filing a writ, summons or complaint without proof of delivery of the form required under this section."

The following instructions are to provide guidance to landlords when completing the form required to accompany a notice to quit.

Preliminary Information:

Provide the name of the landlord(s), the name of the tenant(s) and the address where the tenant(s) live.

Name of tenant(s): If there is more than one tenant, you should list all persons listed on the lease. If there is no lease, you should list all persons over the age of 18 you know to be residing at the premises.

Name of landlord(s): If the housing unit is owned jointly by more than one individual, you should list all owners as the landlord.

Existing Agreements with Tenant

Provide documentation of any agreements with the tenant related to the payment of rent. If there are written agreements, you should provide copies to the tenant with the notice to quit and form. If you have an agreement with the tenant that has not been put in writing, you should check the "yes" box indicating that there is an agreement and check the box indicating that the agreement is not in writing.

Federal Restrictions and Notice Requirements

If your property is a "covered dwelling" under section 4024(a)(1) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136 (the "CARES Act"), then you may be required to give your tenant written notice at least 30 days before filing an eviction claim. You should use diligent efforts to determine whether your housing unit is a "covered dwelling" under the CARES Act, and whether the notice to quit complies with the CARES Act notice requirements.

Under the CARES Act, "covered dwellings" are housing units occupied by a tenant with or without a lease in "covered properties." Covered properties include:

- Properties with federal rental assistance from a voucher or grant program
- Properties assisted through federally-subsidized housing programs (see list at the end of these instructions)
- Properties with "federally backed mortgage loans."

The definition of "federally backed mortgage loan" covers many properties that are not "subsidized housing."

- It includes FHA-insured loans on 1-4 family properties, such as duplexes and triple deckers.
- It also includes loans that have been bought by government agencies such as Fannie Mae, Freddie Mac, or the USDA.

If your property is mortgaged, you may need to do some research to find out if it is a federally backed mortgage. The Federal Consumer Protection Finance Bureau offers suggestions for how to find out if a property has a federally backed mortgage at https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/help-for-homeowners/find-your-servicer/

Properties Assisted Through Federally-Subsidized Housing Programs

A housing unit in a property subsidized under any of the following housing programs will be considered a "covered dwelling":

Department of Housing and Urban Development (HUD)

- Public housing (42 U.S.C. § 1437d)
- Section 8 Housing Choice Voucher program (42 U.S.C. § 1437f)
- Section 8 project-based housing (42 U.S.C. § 1437f)
- Section 202 housing for the elderly (12 U.S.C. § 1701q)
- Section 811 housing for people with disabilities (42 U.S.C. § 8013)
- Section 236 multifamily rental housing (12 U.S.C. § 1715z–1)
- Section 221(d)(3) Below Market Interest Rate (BMIR) housing (12 U.S.C. § 17151(d)
- HOME (42 U.S.C. § 12741 et seq.)
- Housing Opportunities for Persons with AIDS (HOPWA) (42 U.S.C. § 12901, et seq.)
- McKinney-Vento Act homelessness programs (42 U.S.C. § 11360, et seq.)

Department of Agriculture

- Section 515 Rural Rental Housing (42 U.S.C. § 1485)
- Sections 514 and 516 Farm Labor Housing (42 U.S.C. §§ 1484, 1486)
- Section 533 Housing Preservation Grants (42 U.S.C. § 1490m)
- Section 538 multifamily rental housing (42 U.S.C. § 1490p-2)

Department of Treasury

- Low-Income Housing Tax Credit (LIHTC) (26 U.S.C. § 42)