400 CMR 6.00: NOTICES TO QUIT ATTESTATION FORM

Section

6.01: Purpose and Scope 6.02: Definitions

* 1. : Obligations of Landlord
  2. : Additional Guidance; Expiration

Preamble

St. 2020, c. 257, *An Act Providing for Eviction Protections during the COVID-19 Emergency*, as may be amended, requires the Executive Office of Housing and Economic Development (EOHED) to promulgate emergency regulations as necessary to implement St. 2020, c. 257, § 1. St. 2020, c. 257, § 1 requires landlords to provide a form containing certain information related to residential tenant's rights and available resources when giving a written notice to quit to a residential tenant for nonpayment of rent. St. 2020,

c. 257 also requires EOHED to:

* + 1. develop the accompanying form that a landlord will provide when given a residential tenant a written notice to quit for nonpayment of rent; and
    2. receive from landlords electronic copies of any such notices to quit.
  1. : Purpose and Scope

The purpose of 400 CMR 6.00 is to comply with the mandates in St. 2020, c. 257, § 1(c) to ensure that certain provisions in St. 2020, c. 257, § 1 are implemented consistently, and to otherwise advance the stated purposes of St. 2020, c. 257, § 1. 400 CMR 6.00 shall apply to all tenancies under a lease, sublease, or written tenancy agreement.

* 1. : Definitions

All words and phrases defined in St. 2020, c. 257 shall have the meanings ascribed to them in St. 2020, c. 257. The following additional words and phrases shall have the meanings set forth as follows:

NTQ Accompanying Form. The form accompanying a notice to quit for nonpayment of rent that is provided by a landlord to a residential tenant pursuant to M.G.L. c. 186, § 11 or § 12, as required by St. 2020, c. 257, § 1(a).

EOHED. The Executive Office of Housing and Economic Development.

EOHED Website. The following URL: [www.mass.gov/noticetoquit](http://www.mass.gov/noticetoquit).

Landlord or Lessor. The lessor under a lease or sublease for a residential tenant, and, for the purposes of any provision in 400 CMR 6.00 related to the delivery of a notice to quit for nonpayment of rent to a tenant, shall include any management agent or other third-party acting as agent for the landlord.

Residential Tenant. A tenant in possession of a residential house or building, or portion thereof, occupied as a home or residence of one or more persons, under a lease, sublease or written tenancy agreement.

* 1. : Obligations of Landlord
     1. In order to comply with St. 2020, c. 257, § 1(a), landlords shall provide residential tenants a completed NTQ Accompanying Form along with any written notice to quit for nonpayment of rent pursuant to M.G.L. c. 186, § 11 or § 12. Landlords shall only use the NTQ Accompanying Form found at the EOHED website ([www.mass.gov/noticetoquit](http://www.mass.gov/noticetoquit)). Landlords shall accurately complete the required attestations on the NTQ Accompanying Form and sign the form under pains and penalties of perjury where indicated.

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* 1. : continued
     1. If a landlord gives a written notice to quit for nonpayment of rent to a residential tenant pursuant to M.G.L. c. 186, § 11 or § 12, the landlord shall submit an electronic copy of the notice to quit to EOHED, and other information as determined by EOHED, *via* the EOHED website ([www.mass.gov/noticetoquit](http://www.mass.gov/noticetoquit)). Landlords shall enter complete and accurate information where prompted to do so prior to uploading the required documents.
  2. : Additional Guidance; Expiration
     1. EOHED may from time to time issue additional guidance as necessary or helpful in the application, implementation, or interpretation of 400 CMR 6.00 or St. 2020, c. 257, § 1.

REGULATORY AUTHORITY

400 CMR 6.00: St. 2020, c. 257, St. 2021, c. 20 and St. 2022, c. 42.