



MASSACHUSETTS TRIAL COURT

Eviction Diversion Initiative (EDI):

Updates on Process and Data

Chief Justice of the Trial Court Paula M. Carey

Friday, September 17, 2021



Summary Process Updates on Process, Accessibility, and Data

Expiration of CDC Moratorium

- CDC Order no longer in effect as of August 26, 2021 as result of U.S. Supreme Court decision.
 - Requirements that notice to quit for non-payment of rent given by landlord to residential tenant be accompanied by attestations as to whether (i) the tenant provided a declaration form pursuant to the CDC Order; and (ii) the dwelling unit is a “covered dwelling” under the CARES Act and the notice to quit is in compliance with the CARES Act are eliminated.
- Certain protections in non-payment eviction cases remain in effect in Massachusetts as provided in St. 2020, c. 257, as amended by St. 2021, c. 20.
 - Plaintiffs still required to include on the required DHCD Attestation Form:
 - Documentation of any agreements between tenant and landlord for tenant to repay landlord for non-payment of rent; and
 - Information on rental assistance programs, applicable court rules and orders, and federal or state restrictions on residential evictions.

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Summary Process Updates on Process, Accessibility, and Data

Expiration of CDC Moratorium (continued)

- Mandatory continuance provision and limitations on issuance of judgments and executions in § 2(b) of c. 257 extended by St. 2021, c. 20 until April 1, 2022:
 - Courts required to grant continuance in non-payment of rent cases where non-payment is due to financial hardship related to or exacerbated by COVID-19 pandemic, and where tenant demonstrates to satisfaction of court a pending application for short-term emergency rental assistance.
 - Courts required to issue stay of execution on judgment for possession if above requirements met.
 - Courts may not enter judgments or issue executions before application for rental assistance has been approved or denied.
- All provisions of § 1 of c. 257 repealed as of January 1, 2023.
- Trial Court Administrative Order 20-13 continues to suspend Trial Court Rule I: Uniform Summary Process Rules to extent they are inconsistent with departmental standing orders.
 - The first court event is not a trial date.



Departmental Standing Orders (July 2021)

First court event

Housing Court

- First-tier court event with Housing Specialist

District Court and BMC

- Judicial case management conference

- Purpose of first court event includes determining the status of the case, exploring the availability of assistance with housing costs and other resources and programs (e.g., TPP, LFD, etc.), and attempting a mediation to reach a resolution in the case.
- The first scheduled court event is scheduled no sooner than 14 days after the file date.
- Answer due no later than 3 business days prior to first court event.
- The court also must grant a continuance “for a period as the court may deem just and reasonable” if, among other things, there is a pending application for rental assistance in a non-payment of rent eviction case.

Second court event

Trial Court Departments

Trial Date

If case is mediated and parties agree to continue, case will be continued for further case management conference.

If case is not mediated, or parties do not agree to continuance, trial date will be no sooner than 2 weeks (14 days) after first court event.

- No judgment may enter, nor may any execution issue, in a summary process (eviction) action for non-payment of rent if there is a pending application for rental assistance.



Summary Process Updates on Process, Accessibility, and Data

Trial Court Departmental Updates

- Post-filing, litigants receive an information sheet listing rental assistance resources, legal service providers' contact information, and other resources.
 - There have been over 90,000 page views to the Courts' COVID-19 eviction web resources, with 28,000 of those views occurring in the last three months.
- Upon request, interpreter services are provided in-person and virtually for limited English proficient individuals to participate meaningfully in their scheduled court event.

- The Courts continue to meet with members of the Executive Branch (i.e., DHCD) and housing stakeholders to ensure judges and court personnel are aware of changes or additions to rental assistance and legal service programs (e.g., ERMA, RAFT, ERAP, SHERA).

Boston Municipal Court/ District Court

- Mediation services are available to litigants in-person and remotely in all Boston Municipal divisions and in 58 out of 62 District Court divisions.
- In October, the court departments hope to implement an e-filing pilot for summary process pleadings and documents.



Summary Process Updates on Process, Accessibility, and Data

Housing Court

- The video recording of the “Call of the List Speech” is now available online in English, Spanish, Portuguese, and five other most requested languages. The recording provides litigants with a general overview of the court process and resources (e.g., LFD, TPP) that may be available to assist them.
- Upon request, all court divisions make available, on a weekly basis, their respective list of cases scheduled for the upcoming week, the purpose of which is to facilitate Access to Justice initiatives (e.g., Upstreaming).
- The clerks and housing specialists continue to operate daily virtual counters via Zoom to help assist all court users.
- Beginning January 2020, the Housing Court started accepting pleadings and documents by e-filing. There is no e-filing fee for filing into an existing case.
- In June 2021, the Housing Court implemented ITR services, which sends a text message reminding the litigant of his/her upcoming court event. This is an opt-in service. The Court continues to highlight the benefits of the service.
- In June 2021, the Housing Court launched eDelivery, which allows a court user to receive their documents electronically, rather than by paper through the mail. The court expects to soon offer eDelivery as an option for self-represented litigants.



Summary Process Updates on Process, Accessibility, and Data

Zoom Waiting Rooms

- In addition to the informational sheets that the Housing Court divisions are sending to litigants, Zoom waiting rooms now include language informing litigants of the availability of resources such as Lawyer for the Day, Tenancy Preservation Program, and interpreter services.
- All virtual clerk counters across the departments now have Zoom waiting room banners informing litigants, in multiple languages, of the availability of interpreter services.

Trial Court Zoom Rooms

- Zoom Rooms are available in following cities and towns: Brockton, Chelsea, Lawrence, Lowell, Malden/Cambridge, Springfield, and Worcester.
- Chicopee, Holyoke, Pittsfield, and Westfield are in the next Zoom Room roll-out phase.
- Local court leadership, including Trial Court Facilities and Fiscal departments, are working to expand the Zoom Room program in every gateway city.



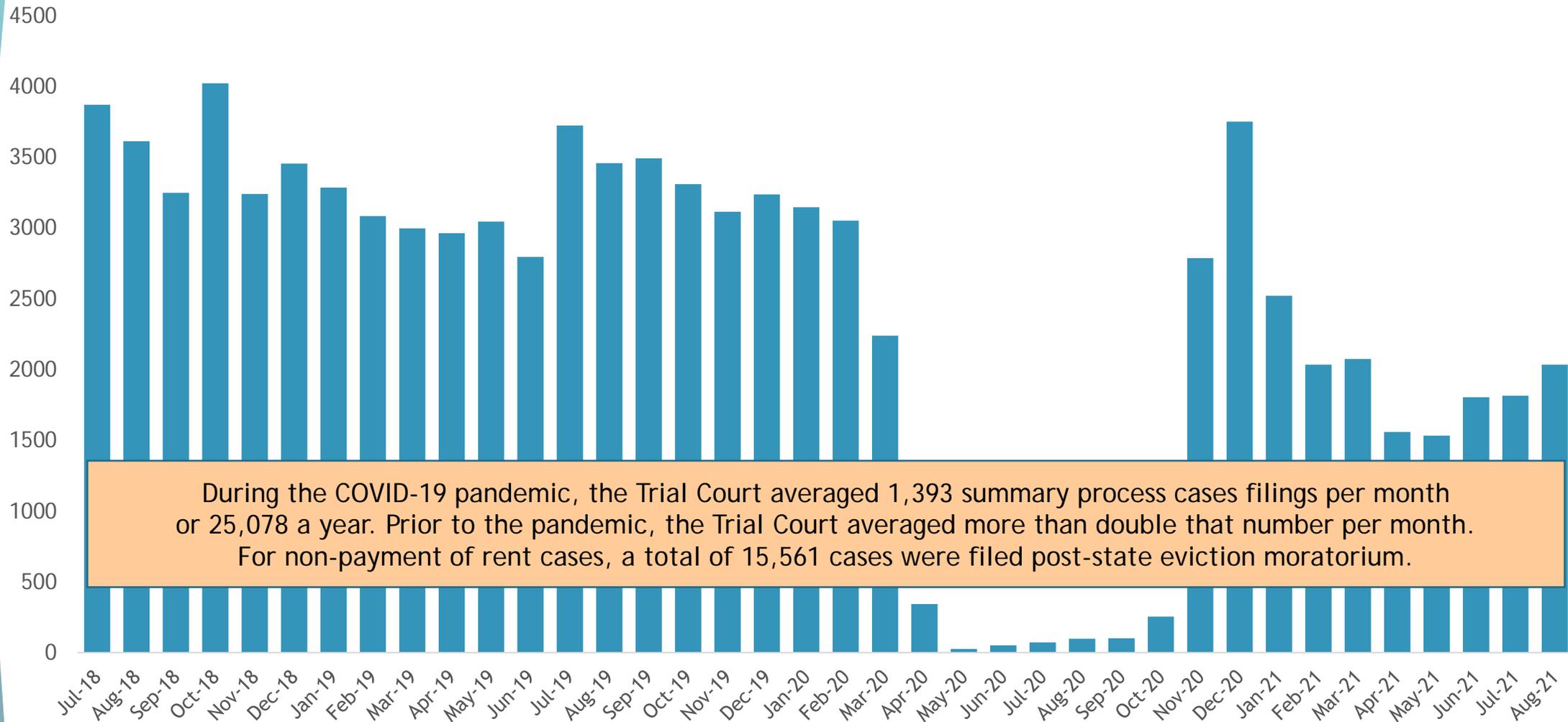
All Court Departments Summary Process Data

- We continue to make data available to the public that aid in tracking Eviction Diversion Initiative efforts.
- There are three dashboards updated each week that display data on filings by week and type, tier-1 and tier-2 event results by week, and executions issued by week and county.
- Also, available each month is the report on filings, actions, and dispositions entered on summary process cases. This report features data on filings, parties receiving mediation services, default judgments, legal representation of parties, and other key statistics.



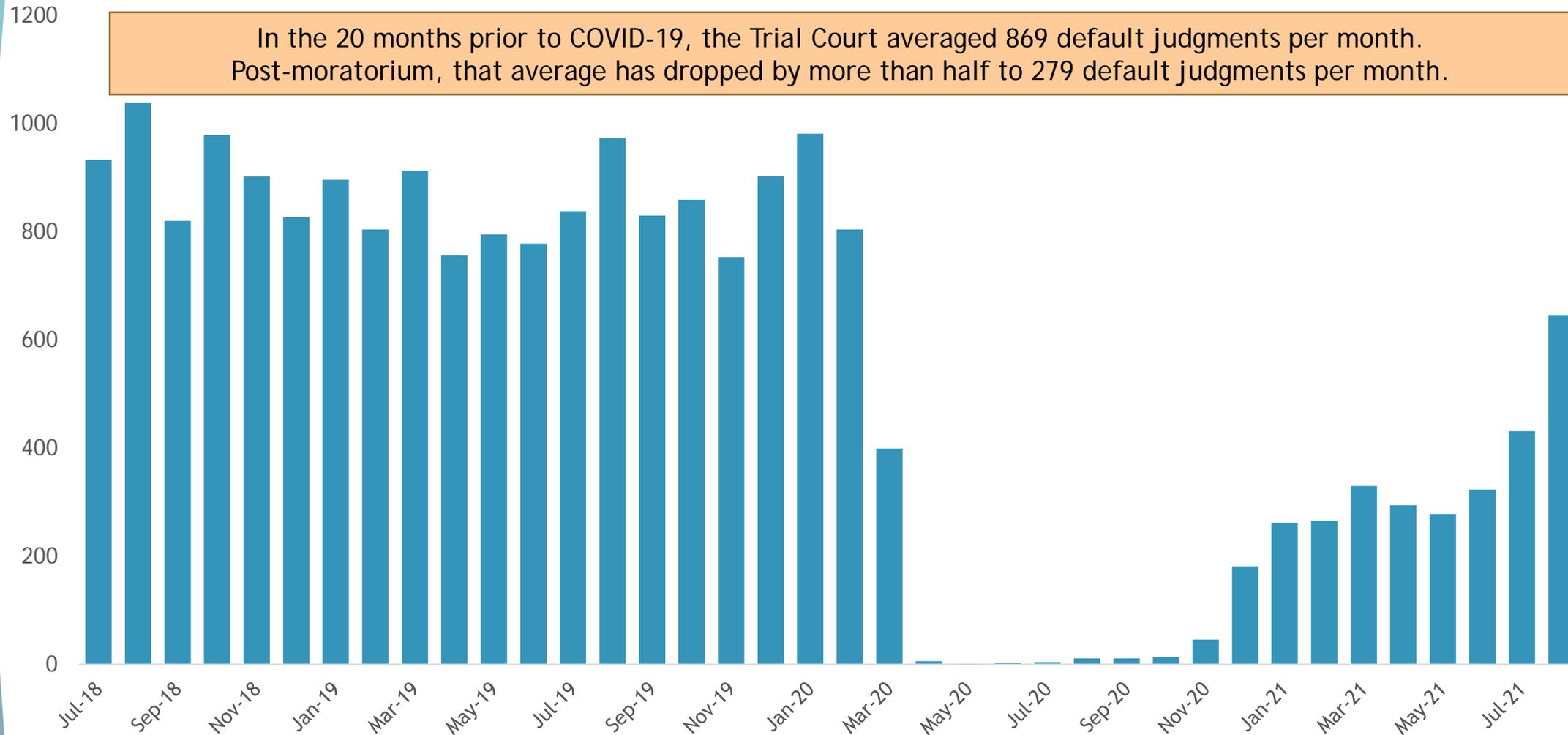


Summary Process Cases Filed Boston Municipal, District, and Housing Court Departments July 2018 to August 2021



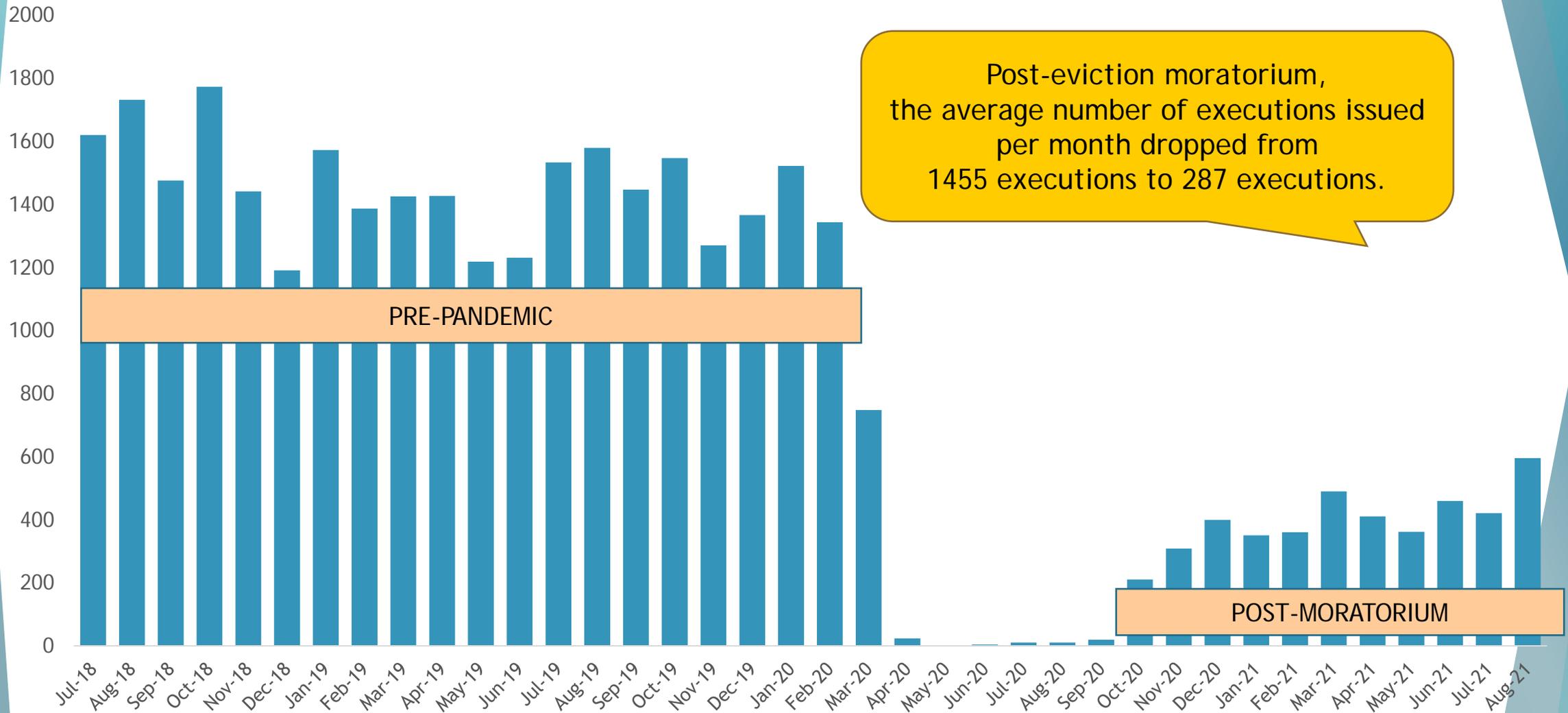


Summary Process Default Judgments Boston Municipal, District, and Housing Court Departments July 2018 to August 2021





Summary Process Executions Issued Boston Municipal, District, and Housing Court Departments July 2018 to August 2021





Summary Process Updates on Process, Accessibility, and Data

Court Key Performance Indicators (KPIs) as of August 2021:

- 41% decrease in summary process filings since December's high of 3,742 cases;
- 26% rate of executions issued in 2021 compared to 42% in 2020;
- Average of 10.7 weeks from file date to Tier 1 event and 7.7 weeks from Tier 1 event to Tier 2 event; and
- Average length of time granted under a stay/continuance is 40 days.

