



**TEMPORARY ORDER ESTABLISHING AN EVICTION MORATORIUM
IN THE CITY OF BOSTON**

DATE OF ORDER: August 31st, 2021

The Boston Public Health Commission, acting through its duly appointed and authorized agent, Interim Executive Director Rita Nieves, 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;

Whereas, despite significant improvement in vaccination rates and other key health metrics since the height of the pandemic, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Boston;

Whereas, evidence indicates that the Delta variant is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others;

Whereas, on April 20, 2020, Massachusetts enacted an *Act Providing for a Moratorium on Evictions and Foreclosures* during the COVID-19 Emergency, which expired without extension on October 17, 2020;

Whereas, on August 26, 2021, the Supreme Court of the United States issued an opinion that had the effect of striking down the U.S. Centers for Disease Control and Prevention (CDC) *Temporary Halt in Residential Evictions in Communities with Substantial or High Levels of Community Transmission of COVID-19 to Prevent the Further Spread of COVID-19*;

Whereas, Boston residents in urgent need of rental assistance resources to prevent evictions and homelessness require additional time to process applications for these funds in order to avoid homelessness and other housing situations that may increase the spread of COVID-19 and cause other public health harms;

Whereas, the Executive Director of the Boston Public Health Commission, has determined that further temporary measures relative to eviction prevention are necessary to prevent the spread and resurgence of COVID-19 in Boston; and

Whereas, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. 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 FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF BOSTON, AS FOLLOWS:

1. Notwithstanding G. L. c. 186, G. L. c. 239 or any general or special law to the contrary, 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 while this order is in effect. 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. Landlords and/or owners who seek access to a tenant's dwelling space for purposes such as general inspections, displaying units to potential future tenants and other non-critical activities must provide occupants at least forty-eight (48) hours advance notice of any intended entry. Occupants shall have the option to be present or not be present at the sole discretion of the occupants. Tenants are permitted to require a rescheduled entry time if the proposed date or time is inconvenient for them, provided that the tenants offer to reschedule within a reasonable time. Masks shall be worn at all times by any individual over the age of two during access.
3. The remedies listed in this Order are not exclusive of any other remedies available under applicable federal, state, or law. If any provision of this Order or the application thereof to any person or 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 and circumstances.
4. This Order shall take effect immediately and remain in effect until rescinded by the Executive Director at the time of such decision, in their discretion.

ENFORCEMENT

All reasonable efforts will be made to secure voluntary compliance with this Order, however this Order may be enforced through any and all mechanisms afforded by the authorizing statutes above, including 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: August, 31st 2021

A handwritten signature in black ink, appearing to read "Rita R. Mendez". The signature is written in a cursive style with a large initial "R" and "M".

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