

**CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR AND BOARD OF HEALTH**

**EMERGENCY ORDER SUNSETTING MORATORIUM ON
EVICTON ENFORCEMENT**

WHEREAS, the Governor of the Commonwealth of Massachusetts declared a State of Emergency on March 10, 2020 due to the virus that caused the Coronavirus 2019 (“COVID-19”) pandemic;

WHEREAS, the Mayor of the City of Somerville determined that the threat of COVID-19 poses a present, real and imminent danger to public health, safety, and general welfare of the people of Somerville and as such declared a State of Emergency in the City of Somerville on March 15, 2020;

WHEREAS, the Somerville City Council expressed support for a moratorium on evictions and the limiting of entry into tenant dwellings through Council Resolutions 209936 and 209943;

WHEREAS, despite the extraordinary progress in preventing the transmission of COVID-19 now that there is widespread availability of COVID-19 vaccines, there continue to be severe public health consequences related to COVID-19 that would result were the City of Somerville to lift its local moratorium, especially for highly vulnerable populations;

WHEREAS, many Somerville residents who lost income due to COVID-19 have not yet been able to recover their pre-pandemic wages, leaving them particularly vulnerable to housing instability and related public health consequences; and

WHEREAS, housing instability and eviction lead to severe physical and mental health consequences, school disruption and job loss, which are all severe public health consequences.

WHEREAS, the intent of this Order is to establish a clear, time-limited period to sunset the eviction protections contained within this moratorium and provide notice to tenants and landlords about the sunset period and about resources available to avoid unnecessary evictions.

The Mayor and the Board of Health, pursuant to 310 CMR 11.05, 105 CMR 300.200, G. L. c. 111, § 122, and all other authorizing statutes and regulations, acting by and through its agent authorized under G. L. c. 111, § 30, hereby amends the moratorium on eviction enforcement to state as follows:

1. This Emergency Order shall remain in effect until June 30, 2022.
2. 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 Somerville while this order is in effect, except in 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 which impairs the health and safety of other building residents or immediately adjacent neighbors.

3. 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/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 five (5) during access.

4. Non-criminal disposition: Whoever violates any provision of this Order may be penalized by noncriminal disposition as provided in Massachusetts General Laws, Chapter 40, section 21D and the City's non-criminal disposition ordinance set forth in Somerville Code of Ordinances Section 1-11. If non-criminal disposition is elected, then any person who violates any provision of this Order shall be subject to a penalty in the amount of three hundred dollars (\$300.00) for each violation. Each day or portion thereof shall constitute a separate offense. If more than one, each section violated shall constitute a separate offense.

5. Criminal fine: In addition to other means of enforcement otherwise available for violations of this Order, whoever violates any provision of this Order may be penalized by a fine of up to \$1,000 pursuant to G. L. c. 111, § 122, upon an application for criminal complaint. Each day or portion thereof shall constitute a separate offense. If more than one, each section violated shall constitute a separate offense.

6. The remedies listed in this Order are not exclusive of any other remedies available under applicable federal, state, or law.

7. The enforcing authorities for this Order are the Somerville Police Department and Inspectional Services Division.

8. 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.

9. This Order shall take effect on April 21, 2022.

Nancy Bacci
Interim Director of Health and Human Services

Katjana Ballantyne
Mayor

Date: _____