



October 17, 2022

Senate President Karen Spilka
Speaker of the House Ronald Mariano
Senate Ways and Means Committee Chair Michael Rodrigues
House Ways and Means Committee Chair Aaron Michlewitz
Members of the Massachusetts Legislature

Re: Take swift action to eliminate the notice to quit requirement in the RAFT homelessness prevention program

Dear Senate President Spilka, Speaker Mariano, Chairperson Rodrigues, Chairperson Michlewitz, and Members of the Legislature:

We are very concerned about a recent change to the Residential Assistance for Families in Transition program (RAFT), the Commonwealth's primary emergency rental and utility assistance program. The Department of Housing and Community Development (DHCD), which administers RAFT, implemented a new policy effective August 1, 2022 that requires families and individuals seeking RAFT assistance for overdue rent to first provide a "notice to quit" (NTQ) from their landlord in order to be eligible. The NTQ is not simply a letter, but rather the first legal step a landlord must take to evict their tenant. **Requiring notices to quit for RAFT applications is preventing qualified households from accessing needed benefits, leading to preventable evictions, and forcing households further behind in rent, putting them at greater risk of homelessness.**

Service of the NTQ dramatically increases the chances of legal action against a tenant and has a number of collateral consequences. The NTQ is a legally required document that terminates the tenancy and provides notice of the landlord's intent to file an eviction case in court. Once the NTQ has been served on the tenant and the notice period ends, the landlord can file the eviction case in court seeking to remove the tenant. For these reasons, many tenants immediately vacate an apartment after receiving a NTQ, and never seek access to rental assistance programs like RAFT. Additionally, many tenants - often the most vulnerable - are threatened or harassed by landlords for overdue rent but never receive a NTQ, and therefore would be ineligible for rental assistance. These tenants are often informally or illegally evicted.

For tenants who do not immediately vacate, the RAFT notice to quit requirement undermines the efforts and benefits of reaching tenants upstream to prevent evictions. Landlords often serve NTQs only after overdue rent has accrued, often beyond the current RAFT cap of \$10,000. Therefore, an eviction that could have been avoided is now more likely because the NTQ was issued, and the tenant may no longer be able to access the eviction protections provided under Chapter 257 of the Acts of 2020.¹ Furthermore, delays in RAFT processing times also mean that

¹ Chapter 257 of the Acts of 2020, as amended by Section 16 of Chapter 20 of the Acts of 2021, allows some tenants to seek a stay of eviction if they have applied for rental assistance. However, legal assistance often is required to get Chapter 257 protections, and courts generally will not grant the stay if the amount of rent owed exceeds the RAFT cap. Chapter 257 currently is scheduled to expire on March 31, 2023.

a NTQ period may run out before the application is processed, resulting in the filing of an eviction case that could have been avoided. This reduces the chances of resolving the case and leaves the tenant with a permanent eviction record regardless of the outcome.

We are disappointed that DHCD implemented this notice to quit requirement, a significant policy change, without prior meaningful discussions with affected households, advocates, and communities. We call on the Legislature to include language in the FY22 close-out supplemental budget or other vehicle to expressly prohibit DHCD from requiring a notice to quit in order to access RAFT and allowing households to access more of the RAFT funds "upstream", before having to begin the eviction process.² Removing the notice to quit requirement will ensure that Massachusetts can build upon the lessons learned from the state's recent experiences providing federally funded upstream Emergency Rental Assistance Program (ERAP) funds to renters during the height of the COVID-19 pandemic.

As advocates, shelter providers, public health practitioners, and people with lived experience of housing instability, we know that accessing RAFT can make the difference between having safe housing and entering homelessness. Given the increasingly desperate state of affairs for renters, with increasing prices and the sudden drop in available assistance, this policy is causing many families and individuals to fall further behind on rent and is undermining the homelessness prevention goals of RAFT. **We call on you to act with urgency to eliminate the RAFT notice to quit requirement.**

Thank you for your ongoing commitment to addressing and ending the homelessness and housing crises in Massachusetts.

Sincerely,

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² Such language could be modeled on language that was proposed as amendments to the FY23 budget and the economic development bill, such as "provided further, that to be eligible for funds or services from this [line item], it is not necessary for a household to have received a shut-off notice from a utility company, notice to quit, or summary process summons and complaint or otherwise be subject to the summary process pursuant to chapter 239;"

Endorsing Organizations (in alphabetical order):

2 Birds No Stones, LLC
Abundant Housing Massachusetts
Action for Boston Community Development, Inc.
Alfanzo Dwight Claxton Foundation, Inc.
Allston Brighton Health Collaborative
Amherst Survival Center
Arise for Social Justice
Asian American Resource Workshop
Asian Community Development Corporation
BAMSI
Behavioral Health Network
Berkshire County Regional Housing Authority
Berkshire Housing Development Corporation
Berkshire United Way
Boston Area Rape Crisis Center
Boston Center for Independent Living
Boston Children's Hospital
Boston Chinatown Neighborhood Center
Boston Housing Authority
Boston Medical Center
Boston Tenant Coalition, Inc.
Breaktime
Bridge Over Troubled Waters
Building A Better Wellesley
Cambridge Health Alliance
Cambridge Residents Alliance
Cape Verdean Association of Brockton
Capstone Communities LLC
Castle Square Tenants Organization
Central West Justice Center
Centro de Apoyo Familiar (CAF)
Charter Street Tenant Association
Children Services of Roxbury
Children's HealthWatch
Chinatown Community Land Trust
Citizens for Affordable Housing in Newton Development Organization, Inc.
Citizens' Housing and Planning Association
City Life/Vida Urbana
City of Cambridge, City Councilor Marc McGovern
City of Cambridge, City Councilor Paul Toner
City of Cambridge, City Councilor Quinton Zondervan
City of Cambridge, Mayor Sumbul Siddiqui
City of Cambridge, Vice-Mayor Alanna Mallon
City of Somerville, Mayor Katjana Ballantyne
City of Somerville, Office of Housing Stability
Commonwealth Community Developers, LLC
Community Action Agency of Somerville, Inc.
Community Action Pioneer Valley

Community Economic Development Center (CEDC)
Community Teamwork
Disability Law Center
Disability Policy Consortium
DOVE (Domestic Violence Ended), Inc.
Economic Mobility Pathways (EMPath)
Elder Services of Berkshire County, Inc.
Eliot Community Human Services
Elizabeth Freeman Center
Essex County Community Organization
Everett Haitian Community Center (EHCC)
Family ACCESS
Family Outreach of Amherst
Family Promise North Shore Boston
Fenway Community Development Corporation
Fenway Health
Franklin County DIAL/SELF, Inc.
Gandara Center
Gordon-Davisi
Greater Boston Legal Services
Greater Mattapan Neighborhood Council
Grow Food Northampton
Hadley Senior Center
Health Services for the Homeless
Higher Ground Boston
HomeStart, Inc.
Horizons for Homeless Children
Housing Clinic of the Legal Services Center of Harvard Law School
Housing Greenfield
Housing Opportunities for People Everywhere (HOPE) at Brown University
International Language Institute of Massachusetts
Jamaica Plain Neighborhood Development Corp
Jennie Lane Apartments
Jewish Alliance for Law and Social Action
Jewish Climate Action Network
Jewish Family & Children's Service
Justice Center of Southeast Massachusetts
Justice for Housing, Inc.
Justice Resource Institute
La Colaborativa
Lawrence CommunityWorks
LifePath, Inc.
Lowell Alliance
Lynn Community Health Center
Lynn United for Change
Madison Park Development Corporation
Maloney Properties, Inc.
Mass General Brigham
Massachusetts Alliance of HUD Tenants
Massachusetts Association of CDCs
Massachusetts Coalition for the Homeless

Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, and Queer Youth
Massachusetts Communities Action Network
Massachusetts Fair Housing Center
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
Massachusetts Public Health Association
Massachusetts Senior Action Council
Massachusetts Union of Public Housing Tenants
Massachusetts Voter Table
Mental Health Association
Metro Housing|Boston
Metropolitan Area Planning Council (MAPC)
Minuteman Senior Services
Mutual Aid Eastie
My Life My Choice (Program of Justice Resource Institute)
National Association of Social Workers, Massachusetts Chapter
NeighborWorks Housing Solutions
New England Learning Center for Women in Transition, Inc.
New England United 4 Justice
New Lease for Homeless Families
North Brookfield Cares 2 Help
Northeast Justice Center
Northern Berkshire United Way
On The Rise
One Family
Open Pantry Community Services
Opportunity Communities, LLC
Our Ancestors Church and Coven
Peabody Properties, Inc.
Plaster The Planet
Poor People's United Fund
Progressive Democrats of Massachusetts
Progressive Massachusetts
Public Health Institute of Western Massachusetts
RCAP Solutions
REACH Beyond Domestic Violence, Inc.
Reclaim Roxbury
Recovery Coaches USA
Reflection Films
Regional Housing Network of Massachusetts
Residents Council for Elderly & Disabled Tenants of Quincy Housing Authority
River Valley Counseling Center
Rosie's Place
SMOC Housing - Open Pantry Community Services
Somerville Community Corporation
Somerville Homeless Coalition
Southeast Center for Independent Living
Spring Meadow Association of Responsible Tenants, Inc.
Springfield No One Leaves
St. Andrew's Episcopal Church, Diocese of Massachusetts
Stavros Center for Independent Living, Inc.

Stop Bullying Coalition
The Neighborhood Developers, Inc.
Together We Stand Corporation
Town Wide Belchertown Tenants Organization
Transition House
Trinity Management, LLC
Union of Minority Neighborhoods
United South End Settlements
United Way Mass Bay
Uniting Citizens for Housing Affordability in Newton
Valley Community Development
WATCH CDC, Waltham
Wellesley Housing Tenant
Western Massachusetts Network to End Homelessness
WinnCompanies
Women's Lunch Place
YWCA Cambridge

cc: Governor Charlie Baker
Secretary Mike Kennealy, Executive Office of Housing and Economic Development
Undersecretary Jennifer Maddox, Department of Housing and Community Development