



CITY OF SOMERVILLE, MASSACHUSETTS LAW DEPARTMENT

December 18, 2020

BY MAIL:

Sheriff Peter John Koutoujian
Middlesex Sheriff's Office
400 Mystic Avenue
Medford, MA 02155

Andrew Freker, Asst. Superintendent
Middlesex Sheriff Civil Process Division
400 Mystic Avenue
Medford, MA 02155

BY EMAIL:

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Massachusetts Constables Association, Inc.:

President Paul Terrio: phterrio@gmail.com

Treasurer: Mark Ianuzzi: markianuzzi@gmail.com

Directors: Russell Castagna: neconstables@mac.com; Kevin Dalton, constablekj@verizon.net; Robert Bishop, rwbis@verizon.net; and Paul Maillet, paulmaillet@hotmail.com

Re: City of Somerville Eviction Moratorium Enforcement

Dear Sheriff and Constables:

Please be advised that the term "enforce" in the attached eviction moratorium in Somerville, and as explained in my previous correspondence to you on November 10, 2020, covers the service of a 48 hour notice of levy or any notice of intent to enforce that may mislead tenants to believe they are facing an impending execution of an eviction.

Feel free to contact Attorney David Shapiro of this office by email at: dshapiro@somervillema.gov if you have any questions.

Very truly yours,

Francis X. Wright, Jr.
City Solicitor



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CITY OF SOMERVILLE, MASSACHUSETTS
JOSEPH A. CURTATONE
MAYOR

CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR AND BOARD OF HEALTH

EMERGENCY ORDER ESTABLISHING A MORATORIUM ON EVICTION
ENFORCEMENT

WHEREAS, the Governor of the Commonwealth of Massachusetts has 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 has 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 has expressed support for a moratorium on evictions and the limiting of entry into tenant dwellings through Council Resolutions 209936 and 209943;

WHEREAS, COVID-19 is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety;

WHEREAS, the Governor of the Commonwealth of Massachusetts and the Mayor of Somerville have requested that residents stay home to prevent the spread of COVID-19, and the Governor has requested that the Department of Public Health issue a stay at home advisory;

WHEREAS, evictions would make it impossible for Somerville residents to stay at home by rendering them homeless and would therefore further increase the risk to public health and safety posed by COVID-19;

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A TRUE COPY ATTEST (617) 625-6600, EXT. 2100 • TTY: (866) 808-4851 • FAX: (617) 625-3434
E-MAIL: mayor@somervillema.gov

John J Long
CITY CLERK





WHEREAS, the eviction of commercial residents could decrease essential services necessary to meet the demands of this pandemic and would further reduce the ability of businesses to generate revenue, further destabilizing the community;

The Mayor and the Board of Health, pursuant to 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent authorized under MGL c. 111, §30, hereby order:

1. Notwithstanding MGL c. 186, MGL c. 239 or any general or special law to the contrary, no landlord and/or owner shall enforce an eviction upon a resident of Somerville, residential or commercial, during this public health crisis.
2. No landlord and/or owner shall access or seek to access a tenant's dwelling space for purposes such as general inspections, displaying units to potential future tenants and other non-critical activities. A landlord may only access a tenant's dwelling space to make repairs requested by the tenant, repairs required as a matter of law, or to respond to a life threatening emergency. A tenant may refuse access of entry for non-critical purposes or when adequate social distancing arrangements (at a minimum of six feet) have not been made.
3. This Emergency Order shall remain in effect until notice is given, pursuant to the Board of Health's judgment that the public health emergency no longer exists.
4. 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.

Douglas Kress, Director of Health and Human Services
Acting Agent of the Board of Health

Mayor Joseph A. Curtatone

Date: March 27, 2020

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CITY CLERK