



Filing in Housing Court

FORMS, FILING AND GENERAL PROCEDURAL INFORMATION

Disclaimer

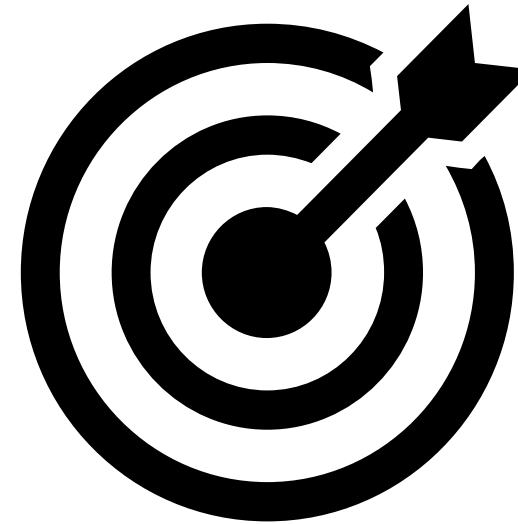
- ▶ This is not legal advice!
- ▶ This is based on filing in the Northeast Housing Court
 - ▶ Your court may differ – make sure to check with them

Housing Court Members

- ▶ Welcome to the members of the Northeast Housing Court!
- ▶ Members of the Housing Court cannot provide legal advice but can provide clarification or answer questions on procedural information.

Today's Goals

- ▶ Improve your understanding of
 - ▶ When to use Housing Court
 - ▶ Different types of Housing Cases
 - ▶ How to file in Housing Court
 - ▶ How to prepare for Court



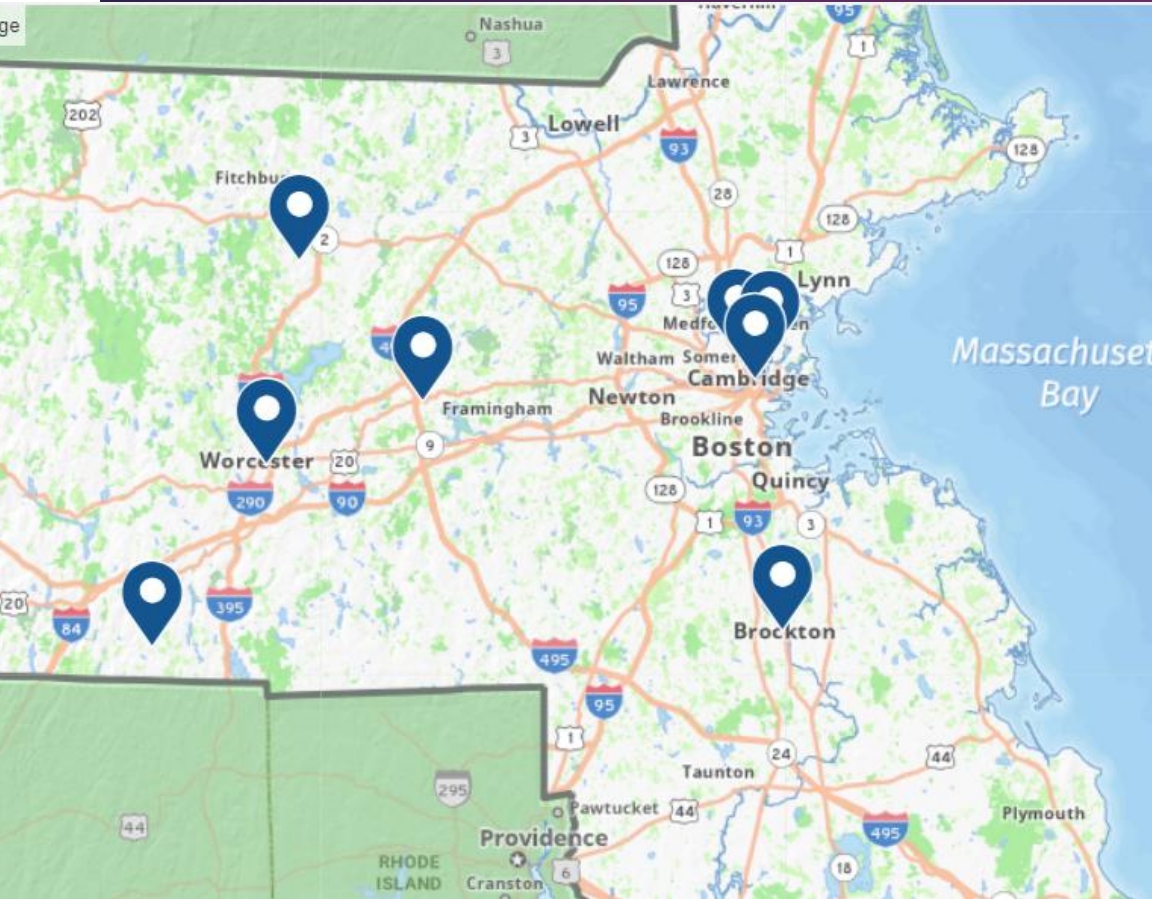
Housing Court

- ▶ Court with jurisdiction over residential housing
 - ▶ Specializes in housing law
- ▶ Housing Court have Housing Specialists
 - ▶ Experts on areas like 105 CMR 410.000
 - ▶ Can mediate cases
 - ▶ Site inspections
- ▶ Housing Court vs. District Court
 - ▶ District Court - jurisdiction over code enforcement, does not specialize in housing law
 - ▶ No mediation in district court
 - ▶ Many more district courts vs. Housing Courts

When to use Housing Court

- ▶ Typically – last resort for compliance
 - ▶ Timeframes have expired
 - ▶ Repairs were not done or not done properly
 - ▶ Access issues occurring
- ▶ Emergencies that are time sensitive
 - ▶ Condemnations & Relocating Occupant
- ▶ Gaining access for Inspections
 - ▶ ASWs or TROs

Know your Court



Northeast Housing Court - Lynn Session →

56 Federal St. , Salem, MA 01970 [Directions →](#)

The Lynn session of the Northeast Housing Court is located in Salem and serves Lynn, Nahant, and Saugus.

Phone

(978) 825-4920

Monday - Friday:
8:30 am-4:30 pm



Northeast Housing Court - Salem Session →

56 Federal St. , Salem, MA 01970 [Directions →](#)

The Salem session of the Northeast Housing Court serves Beverly, Danvers, Essex, Gloucester, Hamilton, Ipswich, Lynnfield, Manchester-by-The-Sea, Marblehead, Middleton, Peabody, Rockport, Salem, Swampscott, Topsfield, and Wenham.

Phone

(978) 825-4920

Monday - Friday:
8:30 am-4:30 pm



Northeast Housing Court - Woburn Session →

200 Trade Center, Woburn, MA 01801 [Directions →](#)

The Woburn session of the Northeast Housing Court serves Bedford, Burlington, Concord, Everett, Lexington, Lincoln, Malden, Melrose, North Reading, Reading, Stoneham, Wakefield, Waltham, Watertown, Weston, Wilmington, Winchester, and Woburn. For Housing Court matters, information, or questions, please do not contact the Middlesex Superior Court. Please call the Northeast Housing Court's main Clerk's Office in Lawrence at (978) 689-

Phone

(978) 656-7600

Thursday:
8:30 am-4:30 pm

Know your Court

- ▶ Location AND Personnel
 - ▶ Where to file
 - ▶ Can **YOU** file?
 - ▶ Courts capacity
- ▶ Bring the right paperwork – check with court



Before Filing

- ▶ Was proper service given?
 - ▶ Certified Mail (have receipt)
 - ▶ Constable – return of service received
- ▶ Ensure you've done a recent re-inspection
 - ▶ As close to when you file as possible
 - ▶ Take Pictures

The image shows two USPS forms. The top form is PS Form 3811, 'Domestic Return Receipt', which is used to document the delivery of Certified Mail. It is divided into two main sections: 'SENDER: COMPLETE THIS SECTION' and 'COMPLETE THIS SECTION ON DELIVERY'. The sender section includes instructions to complete items 1, 2, and 3, and to print name and address on the reverse. Item 1 is 'Article Addressed to:', item 2 is 'Article Number (Transfer from service label)', and item 3 is 'Service Type'. The delivery section includes fields for signature (with 'X' marked), received by name, date of delivery, and whether the delivery address is different from the item's address. It also lists various service types like Registered Mail, Certified Mail, and Restricted Delivery, with checkboxes for each. The bottom form is PS Form 3800, 'U.S. Postal Service™ CERTIFIED MAIL® RECEIPT', used for tracking and payment. It features a large barcode on the left, a 'CERTIFIED MAIL' label, and a table for recording fees and postage. The table includes rows for Certified Mail Fee, Extra Services & Fees (Return Receipt, Certified Mail Restricted Delivery, Adult Signature Required, Adult Signature Restricted Delivery), Postage, and Total Postage and Fees. There is also a 'Postmark Here' area and a 'Sent To' section for address information.

Types of Filing

- ▶ Civil Complaint
- ▶ Criminal Complaint

Civil Complaints


- ▶ The court issues an order to make repairs
 - ▶ Within a certain timeframe
 - ▶ Receivership
 - ▶ Periodic inspections
 - ▶ Access
- ▶ If the court order isn't followed – can file contempt & request sanctions
 - ▶ Fines
 - ▶ Hold defendant in custody
 - ▶ Creative solutions

Civil Complaints

- ▶ Typically move quicker
 - ▶ Useful for serious violations with short deadlines
- ▶ Court provides you with paperwork and YOU notify parties
 - ▶ Constable/Sheriff
 - ▶ Once you have constable's proof of service, get it to the court before the hearing
- ▶ Mediation possible & usually first step

Civil Complaints

- ▶ When filing a Civil Complaint you can use both the Civil Complaint form and the Motion Form
 - ▶ Motion Form - "cover page"
 - ▶ Civil Complaint form:
 - ▶ Case info
 - ▶ What you want

| | | |
|---|------------------------|---|
|  MASSACHUSETTS TRIAL COURT | CIVIL COMPLAINT | |
| | DOCKET NO. | COURT DEPARTMENT HOUSING COURT |
| Plaintiff(s): Stephen Casey Jr., Sanitarian for the City of Beverly Health Department | | Defendant(s): Mr. Property Owner |
| Address: Health Department Address | | Address: Property Owner's mailing address |
| City/State/Zip: _____ | | City/State/Zip: _____ |
| Phone: _____ | | Phone: _____ |
| E-mail: _____ | | E-mail: _____ |
| STATEMENT OF MATERIAL FACTS <small>Provide the details of your complaint. (Describe what happened)</small> | | |
| <p>A Housing complaint was received on (date of complaint) alleging violations of 105 CMR 410.000 "Minimum Standards of Fitness for Human Habitation". An inspection was conducted and noted violations of 105 CMR 410.000 and an Order to Correct dated (date of OTC) was sent to the Owner (owner's name). The Owner received the Order to Correct on (date of certified mail service) and as of (date timeframes expired) violations in the Order to Correct remain unresolved and all timeframes for correction have expired.</p> | | |
| COUNT(S) | | |
| <small>This section is only required if you wish to claim specific money losses. Describe what happened because of the information provided in the "Statement of Material Facts". If more than one count is included, number each count separately. (E.g. By engaging in the above acts the defendant has cost me the following sums of money...)</small> | | |
| N/A - more for Owner-Occupant disputes. | | |
| PRAYERS FOR RELIEF <small>Describe what you are seeking from the Court. (E.g. Therefore I ask that the Court...)</small> | | |
| Therefore, I ask that the Court enforce and uphold the Order to Correct dated (date of OTC) and require the Owner to repair all remaining violations as soon as possible. | | |
| VERIFICATION: I swear under the penalties of perjury that all information provided in this complaint is true to the best of my knowledge and belief. | | |
| SIGNATURE _____ | | DATE _____ |

Criminal Complaints

- ▶ Punitive route
- ▶ Criminal complaints involve the following
 - ▶ 1st step: Show cause hearing – Clerk Magistrate
 - ▶ Demonstrate probable cause to proceed with the case
 - ▶ 2nd step: Arraignment – w/Clerk Magistrate or Judge
 - ▶ Generally a few questions asked during this
 - ▶ Guilty/not guilty? Bench trial or jury trial? Does the party you're filing vs want to hire a lawyer?
 - ▶ 3rd step: Trial – bench trial or jury trial
- ▶ Criminal Complaint outcomes – fines; does not matter if violations corrected or not

Criminal Complaints

- ▶ Directly in front of Clerk Magistrate or Judge
- ▶ Court notifies both parties
 - ▶ Including you
 - ▶ Typically takes longer than Civil Complaint to get hearing date
- ▶ Harsher penalties (fines, criminal record, jail)
- ▶ Criminal complaints can be bumped down to Civil

REQUEST FOR CRIMINAL COMPLAINT FOR STATE SANITARY CODE VIOLATIONS

To any Justice or Clerk Magistrate of the Northeast Housing Court:

[Insert your name, title and municipality] _____
on behalf of the Commonwealth, on oath complains that:

[Property Owner Name] _____
was and is the owner of residential premises located at:

[Address where Violations Cited] _____

On [Date of Initial Inspection], [Year], a representative of the
[Insert your organization – I.e. Town/City Health Department] Program inspected the said premises and
determined that the dwelling did not comply with the provisions of Article II of the State Sanitary Code, 105 C.M.R.
§410.000;

On [Date Correction Order was Received by Owner], [Year], pursuant to §410.670-680 of the Code, the
defendant was served with a written order to comply;

On [Date Violations were past due for Correction – Use correction order timeframes], [Year], and from day to
day thereafter the defendant has failed to comply with the order, each such day being a separate offense and a
separate and distinct count of this complaint;

all in violation of State Sanitary Code, 105 C.M.R. §410.910 -920, and public health law, Gen.L. c.111 §127A, and
the defendant did so willfully, intentionally, recklessly or repeatedly.

[Leave Blank] _____ [Leave Blank] _____
Date Complainant

Assigned for hearing on _____, at _____ o'clock

On hearing [Complaint] [Defendant] [both parties] [neither party], I find no probable cause for the complaint.
Process shall not issue.

On hearing [Complaint] [Defendant] [both parties] [neither party], and Complainant having sworn or affirmed that
the Complaint is true upon information and belief, I find probable cause, and order summons to issue returnable
_____.

Date

Clerk Magistrate

Civil vs Criminal

Civil Complaint

- Move faster
- "Non-punitive"
- YOU serve notice of Court hearing on responsible party via Constable
- YOU provide proof of service to court before hearing date
- Mediation typically first step

Criminal Complaint

- Can take longer for court date
- Punitive route
- Court serves notice to you and the responsible party of hearing date
 - Usually through mail
- Appear in front of Clerk or Judge first

Civil vs Criminal - Scenario

- OTC timeframes have expired. Owner has made repairs to address the CDEs cited, but four non-CDE (30 Day) violations remain.
- After your re-inspections, the Owner stated they are unwilling to make the remaining repairs. They have mentioned that the Occupant should address some of the issues and that the others "aren't a big deal".
- To gain compliance, would you file a Civil or Criminal complaint?

Civil vs Criminal - Scenario

- OTC timeframes have expired. Several CDEs, including a pest issue and missing handrail on a stairway have not been corrected.
- The Owner was initially responsive, but now has not returned your attempts to contact them. They have not provided any evidence that the repairs will be made soon.
- To gain compliance, would you file a Civil or Criminal complaint?

Going to Court

- ▶ What to bring?
- ▶ Appearing in Court
- ▶ After Court
- ▶ Mediation

What to bring?

- ▶ Bring
 - ▶ Civil or Criminal Filing paperwork (don't sign before arriving)
 - ▶ Civil – “Civil Complaint Form” & "Motion Form"
 - ▶ Criminal – “Request for Criminal Complaint for Sanitary Violations”
 - ▶ Copy of Correction Order and Proof of Service
 - ▶ Copies of CM receipts, constable delivery, etc.
 - ▶ IMAGES
 - ▶ Copy of relevant documents
 - ▶ Municipal Dept. reports or docs (permits)
 - ▶ Licensed pest control reports, plumber receipts



What to bring?

- ▶ Summary of your Case Notes
 - ▶ Step-by-step summary of the case
 - ▶ Start at Complaint – end at last re-inspection
 - ▶ Include correspondence with Owner and Occupant, re-inspection dates, etc.
 - ▶ Provides details of the case to the Court (and for you!)
- ▶ Optional: Print out of your Calendar
 - ▶ Scheduling next appearance

Example of Case Notes

Property Address: 1 Main Street, Problemtown, MA 00000

Complaint Date: January 1, 2025
Initial Inspection Date: January 2, 2025
Inspector Name: Stephen Casey Jr.

Case Notes:

January 1, 2025 – Complaint received about 1 Main Street Problemtown, MA 00000 alleging inoperable smoke alarms, pest issues, problems with windows and more (see complaint intake form for details).

January 2, 2025 – Inspection conducted of 1 Main Street, Problemtown, MA 00000 (see file for details). Violations noted, including 5 conditions deemed to endanger (CDEs). Order to Correct created and sent via certified mail #0000 1234 0000 1234 0000 to Owner, John Doe, at 1 South Street, Problemtown, MA 00000.

January 3, 2025 – Owner called and discussed plans to fix smoke alarms today. Owner did not want to make other repairs to the unit cited in the Order to Correct.

January 4, 2025 – Re-inspection noted Smoke Alarms repaired. Other violations noted remained out of compliance.

- January 4, [2025](#) at 2pm – called and left message for Owner about remaining violations at (978) 000 0000.

January 7, 2025 – No response from Owner. Left second voicemail for Owner.

- January 7, [2025](#) at 1pm – Owner called and informed Inspector that the remaining repairs were the “[tenants](#) responsibility” and that they would not be making any further repairs. Informed Owner of responsibilities and that further enforcement actions will be taken if needed.

January 10, 2025 – Second re-inspection of property noted no additional violations corrected.

- January 10, 2025 – Filed civil complaint against Owner in Housing Court.

After Filing

- ▶ Court will provide you with a date for hearing
 - ▶ If you filed a civil complaint – in the packet you receive
 - ▶ If you filed a criminal complaint – letter with this info sent to you
- ▶ When you know the Court date - block off the day
 - ▶ You won't feel rushed
 - ▶ Allows you to focus on the case
 - ▶ Gives you a chance to check the property on the way to court (if needed)

Appearing in Court

- ▶ Documentation
 - ▶ Bring all doc's you filed AND anything relevant from filing date to court date
 - ▶ Case notes help here!
- ▶ Know what you want to get out of the court date
 - ▶ "I want the Court to order the Owner to do XYZ"
 - ▶ If numerous violations remain – focus on most pressing ones
- ▶ Know your schedule (3-4 weeks out)

After Initial Court Date

- ▶ Depending on how you filed, process moving forward may vary
 - ▶ Follow up Hearing for status update
 - ▶ Make sure to update Case Notes and gather additional documents
 - ▶ Hearing in front of a Judge
 - ▶ Continued or get referred to Mediation


Mediation

- ▶ Step after filing paperwork but before appearing in Court
- ▶ Parties meet with Housing Specialist
 - ▶ Quicker solution to correct violations
 - ▶ Less formal conversation
 - ▶ Can allow for a signed agreement to be put in place that is enforceable through court
 - ▶ Can voice new violations or issues that have arose since filing date
- ▶ Mediation is more commonly used in Civil Process

Paperwork

- ▶ Motion Forms
- ▶ Temporary Restraining Orders (TROs)
- ▶ Statement of Material Facts
- ▶ Civil Agreement
- ▶ Administrative Search Warrants (ASWs)

Motion Forms

| | |
|--|----------------------|
|  MASSACHUSETTS TRIAL COURT | MOTION |
| HOUSING COURT DIVISION NORTHEAST DIVISION | DOCKET NUMBER |
| CASE NAME <i>(Named parties should be listed exactly as they appear on the Complaint filed.)</i> [In Matter of] City of Salem Health Department, 98 Washington Street STE 3, Salem MA 01970 [v.] Mr. Property Owner, 123 Main Street, Problemtown MA 00000 | |
| Plaintiff _____ in this matter request(s) that this Court: <input type="checkbox"/> Change the terms of the agreement or judgment (amend); <input type="checkbox"/> Change the hearing date to a later time (continue); <input type="checkbox"/> Dismiss this case; <input type="checkbox"/> Delay the scheduled move out (stay execution); <input checked="" type="checkbox"/> Other; Motion to enforce the State Sanitary Code, 105 CMR 410.000 Minimum Standards of... | |
| For the following reason(s): (If you need additional space, include additional pages as needed). On January 5, 2025 an inspection was conducted of 120 Main Street, Problemtown MA which noted violations of 105 CMR 410.000 "Minimum Standards of Fitness for Human Habitation - Chapter II Sanitary Code". An Order to Correct dated January 6, 2025 was sent to Mr. Property Owner with timeframes for corrections to be made to gain compliance with 105 CMR 410.000. As of today, these violations remain outstanding and have not been corrected. No proof has been provided showing that these will be corrected in the near future, and therefore we are asking the Court to enforce the Order to Correct dated January 6, 2025. | |

Motion Forms

- ▶ Versatile
 - ▶ Can be filed with Civil Complaints
 - ▶ Postpone scheduled court date
 - ▶ Dismiss cases if repairs completed
- ▶ Motion to Enforce Sanitary Code with Injunctive Relief for emergency cases
 - ▶ Accompanied by a TRO*
 - ▶ I.e. Roof caving in – can file this way to have Owner put up Occupant in Alternative Housing

Temporary Restraining Orders (TROs)

**Commonwealth of Massachusetts
HOUSING COURT DEPARTMENT
OF THE TRIAL COURT**



Essex, SS: DIVISION (select court)
Civil Action No. _____

City of Salem Health Department, 98 Washington Street STE 3, Salem MA 01970 VS. Mr. Property Owner, 123 Main Street, Problemtown MA 00000
PLAINTIFF(S) DEFENDANT(S)

APPLICATION FOR TEMPORARY RESTRAINING ORDER

Based upon specific facts set out in the Affidavit or the Verified Complaint filed with the Clerk of this Court, I request that the Court order the defendant(s) to desist and refrain from:

Allowing the occupant of 120 Main Street, Problemtown MA 00000 to reside in this residence due to the severity of violations documented in the attached Order to Correct dated January 6, 2025. We are also requesting the occupant be placed in alternative housing that meets the State Sanitary Code requirements (105 CMR 410.000 Minimum Standards of Fitness for Human Habitation, State Sanitary Code Chapter II) until repairs can be made and re-inspected.

I request that the Court specifically waive the requirement of Rule 65(c) of the Massachusetts Rules of Civil Procedure that I provide security for the issuance of the above Order(s) for the reason(s) that:

The violations observed and documented in the Order to Correct dated January 6, 2025 show conditions deemed to endanger the safety and well-being of the occupant. Failure to remove the occupant from this residence poses immediate risk of injury and/or harm to the occupant.

I understand that the temporary restraining order(s) expires in **ten (10) days** and will not be extended unless during that 10 day period, good cause is shown to the Court or the party(s) against whom the order(s) is (are) made consents to an extension.

Signed and sworn to under the pains and penalties of perjury this 6th day of January, 2025,
before _____ Clerk.
(City of Town) (Zip Code) (Tel. No.)

(Signature of Applicant)

98 Washington Street Ste 3
(Street Address)

City of Salem/Northeast Housing Hub Trainer
(City of Town) (Zip Code) (Tel. No.)

Temporary Restraining Orders (TROs)

- ▶ Typically more for Emergency scenarios
 - ▶ I.e. – Definition of Unfit for Human Habitation
 - ▶ I.e. a roof collapse – can file TRO with a Motion Form to relocate occupant
 - ▶ Can also provide Occupant with your written report for them to get a TRO (**encouraged**)
- ▶ Filing TROs & Using Injunctive Relief
 - ▶ Injunctive Relief – court-ordered remedy which restrains a party from certain acts or requires party to act in a certain way
 - ▶ Judge can order Owner to make repairs or rehome the occupant to prevent immediate or imminent harm
 - ▶ Preliminary Injunctive Relief – temporary relief that preserves the "status quo" until court decides merit of case
 - ▶ Permanent Injunctive Relief – decided by judge

Temporary Restraining Orders (TROs)

- ▶ When filing a form with Injunctive Relief - Can note this on the Motion Form, TRO or both
- ▶ Submit the TRO WITH a Motion form*
- ▶ In Emergencies – court needs to see defendant notified of issue
- ▶ Additional use of TROs
 - ▶ Can use when the Occupant is not allowing access for a re-inspection

Statement of Material Facts

COMMONWEALTH OF MASSACHUSETTS
HOUSING COURT DEPARTMENT



Northeast DIVISION
56 Federal Street, Salem, MA 01970 Address

Essex, SS: No. _____

STATEMENT OF MATERIAL FACTS
(Please Print)

| | |
|--|---|
| <u>City of Salem Health Department</u> PLAINTIFF(S) | Address: <u>98 Washington Street, STE 3</u> <u>Salem, MA 01970</u> Tel: <u>978 414 6885</u> |
| <u>Mr. Property Owner</u> DEFENDANT(S) | Address: <u>123 Main Street</u> <u>Problemtown, MA 00000</u> Tel: <u>(123) 456 7890</u> |

BRIEFLY STATE THE FACTS:

An Order to Correct dated 1/5/2025 was issued to Mr. Property Owner due to violations of 105 CMR 410.000 "Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)" cited during an inspection of 5 Violation Street, unit 2, Salem MA 01970.

The timeframes for repairs to occur has passed and outstanding violations still remain. No proof of work to be done to correct these violations has been received as of today. The City of Salem Health Department is looking to get these violations corrected as soon as possible to bring the unit into compliance with the requirements of 105 CMR 410.000.

Statement of Material Facts

- ▶ Used to inform the court of important facts of your case
 - ▶ 5 W's
 - ▶ Paraphrase key areas of Case notes
- ▶ This can be used in unison with a Motion form
 - ▶ Motion form = Action item
 - ▶ Motion – Enforce sanitary code
 - ▶ Statement of Material Facts = Why action is required
 - ▶ Statement – Timeframes have expired and repairs have not been made

Civil Agreement

- ▶ We don't "File" this to start a Case
- ▶ More often used between parties
 - ▶ Owner & Occupant
- ▶ Can be used in Mediation for Hoarding scenarios
 - ▶ Develop timeline for areas to be addressed
 - ▶ I.e. by March 30th, 2025 the living room window will be accessible and items will be removed

Administrative Search Warrants (ASWs)

COMMONWEALTH OF MASSACHUSETTS

HOUSING COURT DEPARTMENT

WESTERN DIVISION

SEARCH WARRANT FOR PRIVATE DWELLING

To the Sheriff of Hampden County, or other Deputies, any Constable or Police Officer of any city or town of Hampden County, and to _____, authorized agent of _____, Proof by affidavit having been made this _____ day before A Judge of the Housing Court, by _____, that there is probable cause for believing that an inspection to enforce minimum physical standards for private property under 105 CMR 400.100 © of the State Sanitary Code (Chapter 111, Sec. 31) in which the _____ believes it necessary in order to protect the interests of the public or safety, that entry be made to certain land(s) and building(s), and Proof by affidavit having been made that _____ has refused entry at _____ City\Town _____ to authorized agent(s) for the purposes stated above.

We therefore command you to make an immediate inspection in daytime of the building(s) (and land) at _____, occupied by _____, solely for the purpose of enforcing said laws, the inspection to be made with _____ hours, of date _____.

List here if more than one area to be inspected, and more than one section to be enforced:

Issued (Date) _____

CLERK-MAGISTRATE

Administrative Search Warrants (ASWs)

- ▶ Court order that allows LBOH to
 - ▶ Conduct Inspection of a property
 - ▶ Take photos
- ▶ Useful when attempts to gain access for inspection is not obtained and justification for an inspection exists
 - ▶ First responder referrals
 - ▶ Abandoned or vacant properties
 - ▶ Occupant refuses requests for inspection

Administrative Search Warrants (ASWs)

- ▶ Considered less intrusive than criminal search warrants
 - ▶ Criminal Search Warrants – focused on crime
 - ▶ ASW – focused on inspections for enforcing public health regulations
- ▶ Ties into Inspectional Authority
 - ▶ 105 CMR 400.100 - Interference
 - ▶ Allows us to request ASW & seek assistance from PD to present warrant

Administrative Search Warrants (ASWs)

- ▶ Before pursuing ASW
 - ▶ Have documentation in order – observations, attempts at inspections, violations, and if other agencies are involved
- ▶ Complete an affidavit and applicable forms, and note
 - ▶ Where the inspection will occur
 - ▶ If you will be taking photos
 - ▶ The name, position & agency of the person conducting the inspection
 - ▶ Anyone accompanying the inspector
 - ▶ Who the Owner/Occupant is

Administrative Search Warrants (ASWs)

- ▶ File the affidavit & supporting documents
 - ▶ Court official will swear you in
- ▶ Once ASW is obtained – notify municipal legal staff & PD
 - ▶ Police officer accompanies you to serve the ASW
- ▶ Serve the ASW & inspect ASAP
 - ▶ Within 7 days – return the ASW to the Court

SCENARIO – What forms?

- ▶ Order to Correct where timeframes have all lapsed and no BOH hearing occurred
- ▶ Motion Form + Civil Complaint Form
 - ▶ OR Criminal Complaint form (if going the Criminal filing route)
- ▶ Motion Form: Motion to Enforce the State Sanitary Code...
 - ▶ Or "*See Civil Complaint form*"
- ▶ Civil Complaint - Information about the case
 - ▶ Facts of the Case
 - ▶ Date of Order Letter, Date received, and date timeframes for correction expired.
 - ▶ Can note - "*See attached Case Notes document*"

SCENARIO – What forms?

- ▶ Owner has shut off electricity to the unit with no timeframe for it to be restored
- ▶ TRO + Motion Form requesting Preliminary Injunctive Relief
- ▶ TRO Form: I request that the Court order the defendant(s) to desist and refrain from "Curtailling utilities (electricity) to **address of unit** and to restore this utility immediately."
 - ▶ Provide security for issuance of the above Order(s) for reason(s) that "violations observed and documented in **OTC dated X** show CDEs and endanger the well-being and safety of the occupant."
- ▶ Motion Form: To enforce State Sanitary Code and restore utilities required by 105 CMR 410.000. This motion is filed with preliminary injunctive relief.

SCENARIO – What forms?

- ▶ Pipes burst and flooded the unit - unit is now uninhabitable
- ▶ TRO + Motion Form with Preliminary Injunctive Relief
- ▶ TRO Form: ...desist and refrain from "Allowing Occupant of **address** to reside in this residence, due to severity of violations documented on **date of inspection**, until repairs and re-inspection(s) can be completed.
- ▶ Motion Form: To relocate the Occupant until repairs can be completed and unit is reinspected. This motion is filed with Preliminary Injunctive Relief..
- ▶ Occupant filing – provide them written copy of Inspection Report
 - ▶ They can take this to the Courthouse and file themselves

General Advice

- ▶ File in a timely manner
 - ▶ Quicker you file = quicker your case is heard
- ▶ Documentation is key
 - ▶ Maintain your Case Notes!
- ▶ Paperwork – Who, what, when, where & why
 - ▶ Dates - Inspection, OTC, and when timeframes lapsed
- ▶ If you're unsure about what paperwork to use – call your housing court
 - ▶ Can't give legal advice, but can provide clarity or explanation of paperwork use

General Advice

- ▶ Bring copies of documents you are filing
- ▶ If you do file – loop in your supervisor and municipal attorney in case they are needed later on
- ▶ Appearing in Court – dress professional and arrive early

Additional Information

- ▶ Tier 2 Housing
 - ▶ Judge is present and speaks more about Court
 - ▶ Can ask your questions about Court!

- ▶ Filing in Housing Court SOPs
 - ▶ How to file
 - ▶ Use of forms
 - ▶ General Court info

Questions?

- ▶ Stephen Casey Jr., Regional Housing Trainer
- ▶ Scasey@salem.com
- ▶ (978) 414-6885

