

Transfer

REPRESENTING
YOURSELF
IN AN EVICTION CASE

WHY TRANSFER YOUR CASE TO HOUSING COURT?

If your eviction case is in the District or Superior Court, **you have a right to have it transferred to a Housing Court**, if you live in an area covered by a Housing Court.

Housing Courts are more familiar with landlord/tenant laws than other courts. You are also likely in Housing Court to get more assistance with your case.

To transfer your case you must live in an area where there is a Housing Court and **file the form in this booklet no later than the day before your trial is scheduled** in the District or Superior Court.

There are five Housing Courts in Massachusetts. If you are unsure whether you can transfer your case, contact the Housing Court you think is in your area and ask whether you can.

Boston Housing Court	617-788-8487
Worcester County Housing Court	508-792-0800
Northeast Housing Court	978-689-7833
Southeast Housing Court	508-672-9716
Western Massachusetts Housing Court	413-748-7838

BOOKLET

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HOW TO TRANSFER YOUR CASE TO HOUSING COURT

Fill Out the Notice of Transfer Form

Complete the form in this booklet by following the instructions below. The letters and numbers in these directions match those on the form.

- a. Write the name of your county.
 - b. Write the landlord's name as it is written on the Summons and Complaint.
 - c. Write your name as it is written on the Summons and Complaint.
 - d. Write the name of the District or Superior Court in which your case is currently scheduled for trial.
 - e. Fill in the Docket Number, if you know it. The Docket Number is the number the court has assigned to your case. You can ask the court for it.
1. Circle whether you are the Defendant or the Defendant's lawyer.
 2. Write in which "Division" of the Housing Court you are transferring your case to.
→Boston →Worcester →Northeastern →Southeastern →Western Massachusetts
Write in the name of the city or town where the property you are renting is located.
Write the name of the District or Superior Court in which your case is currently scheduled for trial.
 3. If you want to have a trial with a jury, check this box. If you do not check this box, you will give up your right to a jury trial.
 4. Fill in your landlord's name, address, and telephone and if your landlord has a lawyer, that person's name, address, and telephone.
 5. Date and sign the motion.
 6. Fill in the "Division" name of the Housing Court your are transferring case to.

Deliver the Form

When the form is completed, make 3 copies in addition to the original. Give the original to the court in which your case is currently scheduled for trial, a copy to the Housing Court to which you are transferring case, and a copy to your landlord or to his or her lawyer. Keep a copy and bring it to court.

The clerk of the District or Superior Court and the clerk of the Housing Court must receive these forms no later than the **day before** your trial. It may be easier to submit the Transfer form with your Answer.

Your case will automatically be transferred if you get copies of the completed Transfer form to the District or Superior Court and Housing Court on time. There is **no hearing required** to transfer the case. **A transfer to Housing Court will probably postpone your case.** The Housing Court will notify you and your landlord of the new trial date. However, if you do not hear from the Housing Court, call to double-check the date of your trial.

FORM

(Please print or type)

**COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT**

a. _____, ss:
County

d. _____
Name of Court

e. Docket No. _____
Summary Process

b. _____
Plaintiff(s) - Landlord(s)

vs.

NOTICE OF TRANSFER

c. _____
Defendant(s) - Tenant(s)

1. I am the Plaintiff(s) / Defendant(s) or the attorney for the Plaintiff(s)/Defendant(s) *(Circle what is applicable)* in the summary process action between the above parties.
2. That action is within the jurisdiction of the _____ Division of the Housing Court Department (the property is located in _____) and trial has not commenced in the _____ Court.
3. I hereby request a trial by jury.

I have read Rule 4 of the Uniform Rules of Summary Process, which pertains to transfers and is set out on the reverse side. I have complied with the requirements thereof. The name, address, and telephone number of the other party and/or his/her attorney are as follows:

4. _____, _____, _____
NAME OF OTHER PARTY ADDRESS TELEPHONE #

_____, _____, _____
NAME OF HIS/HER ATTORNEY ADDRESS TELEPHONE #

5. _____, _____
DATE SIGNATURE OF PARTY OR ATTORNEY

Please see reverse side

PART 2: TO BE FILLED OUT AND MAILED RETURNED RECEIPT REQUESTED OR DELIVERED, WITH APPROPRIATE PAPERS, BY THE CLERK'S OFFICE OF THE COURT WHERE THIS NOTICE OF TRANSFER IS FILED WITHIN FOUR BUSINESS DAYS FROM RECEIPT OF THIS TRANSFER FORM.

6. The Clerk/Magistrate of the _____ Division of the Housing Court Department:

Attached hereto is a copy of the docket entries to date in the action and the pleadings and other papers filed in the action.

DATED: _____

SIGNATURE AND TITLE

**UNIFORM SUMMARY PROCESS RULES
RULE 4. TRANSFER OF ACTION**

A party wishing to transfer a summary process action pending in another department to a division of the housing court department pursuant to law shall do so by filing in both departments a completed transfer form provided by the clerk of the court where the action was commenced. The form shall be filed in both courts no later than the day before the commencement of the trial. The clerk of the court from which the case is transferred shall forward to the clerk of the appropriate housing court division all relevant papers within four business days from the receipt of the transfer form. No entry fee shall be charged upon such transfer. Upon receipt of a copy of this form, the clerk of the housing division shall insure that the case is scheduled forthwith, and shall notify the parties in any practical way thereof. A demand for jury trial, if any, pursuant to Rule 8 of these rules, shall be made with the request for transfer.

Failure of a party to make a timely transfer as provided above shall not prohibit the court in which the action has been commenced from allowing such transfer on motion for cause shown at any time during the proceedings.