

Form 14: Tenant Petition for Enforcement of the State Sanitary Code

The primary purpose of this form is for tenants to be able to quickly go to court and ask that the court order the landlord to make repairs, especially emergency repairs.

You can also use this petition to ask a judge to lower your rent to the *fair rental value* of your apartment or order you to pay this amount to the court while the landlord makes the repairs. The *fair rental value* is the value of the apartment with all of its problems.

In addition, a tenant can use this form to ask the court to appoint a *receiver*, or temporary landlord. This, however, is more complex and it is best to try to get legal assistance to help you craft court papers to request a *receiver*.

How to Fill Out the Form

Court Heading

The letters in the instructions below match those on each of the Tenant Petition form.

- a. Write the county you live in.
- b. Write your name.
- c. Write your landlord's name.
- d. Write the name of the court where you are bring the petition (for example, Boston Housing Court, Cambridge District Court).
- e. When you file this petition with the court, fill in the docket number assigned by the court clerk.

Facts

The numbers in the instructions below match those on Tenant Petition form.

1. Write your address.
2. Write your landlord's address.
3. Fill in the number of apartments in your building and how many are occupied by tenants, if you know.
4. Fill in the amount of rent you pay per month or week.
5. Check off the appropriate box and fill in the name of the agency or Board of Health that inspected your apartment or who you requested an inspection from and when.
6. Check off what you want the court to do. If you are asking the court to issue a restraining order or injunction, write in exactly what repairs you want made.
7. Sign and date.

When You are Done Filling Out the Form

1. Make two copies of the completed form.
2. Attach a copy of inspection reports or, if the premises have not yet been inspected, attach a detailed list of conditions that are considered by the tenant to be violations. Write on the top corner of this report or list “Exhibit A.”
3. Give the original copy of the completed form plus attachments to the court clerk’s office.
4. Pay the court a filing fee of \$17.00.
5. Ask the court clerk to give you an Order of Notice. This is a court form that tells the landlord the date, time, and place of the court hearing on the petition. It should also tell the landlord that he or she must file a written response (or answer) to the petition.
6. The court will schedule a hearing on the petition. You must then give a copy of this petition and the Order of Notice, plus any attachments, to the sheriff or constable to serve on the landlord at least seven days before the hearing. The person serving the petition will charge a delivery fee, unless you get this fee waived.
7. Before the hearing date, make sure you get from the sheriff or constable the “return of service,” which is proof that they have served the petition and Order of Notice on the landlord. Bring this “return of service” to the court at or before your hearing.
8. Appear in the court on the scheduled day of the hearing. Bring all of your witnesses, photographs, inspection reports, documents, receipts, and any other material you want the judge to see.

(Please type or print)

COMMONWEALTH OF MASSACHUSETTS
TRIAL COURT

a. _____, ss:
County

d. _____
Name of Court

b. _____
Plaintiff(s) – Tenant(s)
vs.

e. _____
Docket No. Summary Process

**TENANT PETITION FOR ENFORCEMENT
OF THE STATE SANITARY CODE
PURSUANT TO G.L. C. 111, §127C-I**

c. _____
Defendant(s) – Landlords(s)

1. The Plaintiff(s)/Petitioner(s), also known herein as “the tenant(s),” resides at _____, hereinafter known as “the premises.”
2. The Defendant(s), also known herein as “the landlord(s),” resides at _____ and is the owner of the premises.
3. The premises are located in a building which consists of _____ apartments, of which _____ are occupied by tenants.
4. The Tenant(s) pays the Landlord(s) rent in the amount of \$_____ per _____.
5. Check appropriate box:
 - The premises have been inspected by _____ (the code enforcement agency) and conditions have been found in the premises and/or associated common areas that are violations of the state sanitary code or of any board of health standards. (Attached as Exhibit A is a copy of the relevant inspection reports.)
 - Conditions exist in the premises and/or associated common areas that are likely violations of the state sanitary code or of board of health standards, and a request for an inspection was made to _____ on _____ (which is at least 24 hours before the filing of this petition) and no inspection has been made. (Attached as Exhibit A is a detailed list of alleged violations.)
6. The conditions described above may endanger or materially impair the health, safety, and well-being of the Tenant(s).

7. The conditions described above were not substantially caused by the Tenant(s) or by any other person acting under the Tenant(s)' control.

WHEREFORE, the Petitioner(s)/Tenant(s) requests that the Court order the Defendant(s) to immediately correct all violations of the state sanitary code or of board of health standards that exist on the premises and associated common areas.

8. The Court is also requested pursuant to the authority of G.L. c. 111, §§127C-I, to grant the following relief:

a. Immediately issue an Order of Notice pursuant to G.L. c. 111, §127D.

b. Issue a restraining order, injunction, or other relief ordering the landlord to:

c. Determine the fair market value of the premises in their defective condition.

d. Authorize the tenants who live in the premises to pay said fair market value for the use and occupation of the premises into this Court to be disbursed as the Court may direct or after repairs are made by the defendant.

e. Appoint a receiver.

f. Grant the tenant(s) any further relief the court deems just and proper.

The undersigned petitioner swears under the penalties of perjury that the facts contained in this petition are true.

9. _____
Signature of Tenant

Signature of Tenant

Tenant's Name (*print*)

Tenant's Name (*print*)

Address

Address

City State Zip

City State Zip

Telephone Number

Telephone Number

Dated: _____