

Facing an Eviction

Tenants Rights in Massachusetts

Steps a Landlord Must Take to Evict You

Your landlord can only make you move if they evict you. To evict you, they must get permission from a court. They cannot lock you out, throw your things out on the street, or harass you. If your landlord does not take the right steps, you can stop the eviction.

Your landlord must make sure you get a *Notice to Quit*

The *Notice* tells you to leave in a certain number of days. **You do not have to move out by the date on a Notice to Quit, but do not ignore it.** The number of days depends on the reason for eviction.

- **14-Day Notice:** You owe rent
- **30-Day Notice:** If the landlord is evicting you for no reason, or for a reason that they say is your fault.
- **No Notice:** Your landlord accuses you of illegal activity in your apartment. Get a lawyer before you say anything in court.

Your landlord must serve you with a *Summary Process Summons and Complaint*

This court form tells you your landlord is taking you to court and there will be a hearing. It lists the time, date, and location of the hearing. It also lists the deadline for you to file your *Answer*.

Steps You Can Take to Respond to the Eviction

Every eviction is different. Your options depend on your situation. All options have strict deadlines. If you miss the deadline, you lose the option.

- **Pay rent:** If the eviction is about rent you owe, you can pay the rent and stop the eviction, most of the time. If you pay before a landlord starts a court case, you can avoid paying the landlord's court costs: \$135 in Housing Court, \$195 in District Court. For deadlines see **Chapter 12: Evictions - Paying the Rent Owed.**

Protect Yourself Get Help

- Try to get legal help.
- You may be able to get free legal help. See [MassLegalHelp.org/find-legal-aid](https://www.masslegalhelp.org/find-legal-aid)
- If you cannot get legal help, you will need to represent yourself. Use the **Self-Help Forms and Letters in the Eviction** section of MassLegalHelp [MassLegalHelp.org/evictions-forms](https://www.masslegalhelp.org/evictions-forms)
- Some courts have **volunteer lawyers** who can help you fill out forms or tell you about programs in your area that may be able to help you. Ask the clerk how to find the volunteer lawyers.



- **File your Answer with the court:** If you get a *Summons and Complaint*, file a legal form called an *Answer*. Use this form to explain to the court why you should not be evicted and any problems you had with your landlord. The deadline for filing your Answer is on the *Summons and Complaint*. Do not miss the deadline. Use **The Answer (Booklet 3)**.
- **Transfer your case:** If your case is in District Court you have the right to transfer your case to Housing Court, if there is one in your area. Housing Courts provide more support. You can file a transfer form up until the day before your case is in District Court. Use the **Transfer (Booklet 5)**.
- **Get important documents ready:** Before your hearing, collect the documents you need to prove your case, like rent receipts or pictures of bad conditions. Use the **What to Take to Court Checklist in Representing Yourself in an Eviction Case (Booklet 1)**.
- **Arrange for childcare and time-off from work** the day you go to court. It could take all day.
- **Go to court:** If you do not go to your court hearing, you will lose your case automatically. This is called *default*.
- **Ask the judge to dismiss the case:** If your landlord has not followed the right steps, you may be able to get your case dismissed. For reasons why your case could be dismissed see **Chapter 12: Evictions - Motion to Dismiss**.
- **Negotiate an agreement:** Most landlords and tenants resolve evictions through agreements. Be careful when you negotiate an *Agreement*. Only sign an

Agreement if you understand it and you can do what it says. To protect yourself get **Negotiating a Settlement of Your Case (Booklet 10)**.

- **Fight the eviction:** You may be able to prevent the eviction. Use the *Answer* to list the reasons you should not be evicted. Include any complaints you have about your landlord. Do not miss the deadline to file your *Answer*. The deadline is on the *Summons and Complaint*. Use **The Answer (Booklet 3)**.
- **Ask for time to prepare for your case:** When you file your *Answer* form, you can also file court papers that ask your landlord for information to help you prepare your case. The court will automatically postpone your case by 2 weeks. This is called *discovery*. Use **Discovery (Booklet 4)**.
- **Ask a judge for time to move:** If a judge makes an order to evict you, you may ask the judge for more time to stay in your apartment while you look for another place to live. If the judge agrees to give you more time, they order a *Stay of Execution*. They are more likely to order a *Stay of Execution* if you have started looking for a new place. Use **Stay (Booklet 8)**.
- **Appeal the court's decision:** At the end of the court hearing, the judge will make a decision, called a *judgment*. If you do not agree with the judge's decision and you want to fight it, you have 10 days to file an appeal.



[MassLegalHelp.org/Evictions](https://www.masslegalhelp.org/evictions)
Legal Tactics: Tenants Rights in Massachusetts
 May 2017