

## Facing an Eviction

### Tenants' Rights in Massachusetts

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To evict you, a landlord must get permission from a court to force you to leave your rented apartment or home. They can't lock you out, throw your things out on the street, or harass you. If your landlord doesn't take the right steps, you can stop the eviction.

### What steps must my landlord take to evict me?

#### 1. Give you a Notice to Quit

In most cases, your landlord must give you a written notice that tells you when and why they want you to move out. This notice is called a Notice to Quit.

**You do not have to move out by the date on a Notice to Quit. But do not ignore it.** The number of days is the "notice period" and tells you how long you have before your landlord can go to court. It depends on the reason for eviction:

- **7-Day Notice:** Violation of some leases.
- **14-Day Notice:** You owe rent.
- **30-Day Notice:** No reason, some fault or other violation.
- **No Notice:** Landlord accuses you of illegal activity.

#### 2. Serve you with a Summons and Complaint

Your landlord must have a constable or sheriff give you a *Summons and Complaint*. This starts a legal process where they try to get permission to force you to leave your home. The Complaint will tell you what court your case is

in and the reason for eviction. It will not list a court date.

#### 3. File the Complaint in Court

#### 4. Go to Court

The court schedules a date, time, and place (at least 30 days after filing) for both you and your landlord to attend mandatory mediation. This is called a First Tier Court Event. In Housing Court, it is a Housing Specialist Conference. In District Court, it is a Case Management Conference.

The landlord must serve the court's notice of the First Tier Court Event to you using a sheriff or constable at least 14 days before the first court date. The notice will tell you whether this is a virtual or in-person event. **If you do not show up on time, you will automatically lose the case.**

### What steps can I take to stop an eviction?

Every eviction is different. Your options depend on your situation.

**Pay the full amount of rent owed and any court costs required** by a certain time before your hearing, if the eviction is about rent you owe. This will stop the eviction from going any further.

**Apply for rental assistance.** State and local rental assistance programs may be able to help you pay back any rent you owe.

**Contact the Tenancy Preservation Program (TPP).** If the eviction is related to a physical or mental health disability, TPP can help you request a reasonable accommodation to keep the tenancy or help connect you to services.

**Read your Notice to Quit carefully.** If it doesn't follow the law, the eviction is illegal.

**File an Answer.** If you get a *Summons & Complaint*, file an *Answer*. In your Answer, explain to the court why you shouldn't be evicted. Do not miss the deadline. It is on the court notice of the "First Tier Court Event" and will be 3 business days before the first court event. Use **Booklet 3: Answer** or [gbls.org/MADE](https://gbls.org/MADE).

**Request a transfer.** If your case is in District Court, you have the right to transfer your case to [Housing Court](#). Use **Booklet 5: Transfer**.

**Ask for information.** When you file your Answer, you can also file court papers that ask your landlord for information to help you prepare your case. This is called *discovery*. Use **Booklet 4: Discovery**.

**Go to the First Tier Court Event.** If you do not go, you will automatically lose. This is called *default*.

**Negotiate an agreement.** Most evictions get resolved through agreements. Be careful when you negotiate. Only sign an *Agreement* if you understand it, believe it is fair, and if you can do what it says.

**Prepare for trial.** If you do not resolve your case at the First Tier Court Event, the court will notify you of a trial date. 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 Booklet 1.** Arrange for childcare and time off work.

**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. This is when a judge says that your case is over. File a **Motion to Dismiss (Booklet 7)**.

**Ask the court to postpone the eviction.** If you lost your case or agreed in court to a judgment to move, you may be able to ask the judge for more time to move. Use **Booklet 9: Stay**.

**Appeal.** If you do not agree with the judge's decision, you have 10 days to file an appeal. Use **Booklets 8A and 8B: Appeals**.

## Public Housing

Public housing tenants may have additional rights through a grievance procedure before a housing authority files a court complaint. See [MassLegalHelp.org/grievances](https://MassLegalHelp.org/grievances).

## Get Help

You may be able to get **free legal help**. See [MassLegalHelp.org/find-lawyer](https://MassLegalHelp.org/find-lawyer)

If you cannot get legal help, you will need to **represent yourself**. Use Self-Help Booklets at [MassLegalHelp.org/LT-booklets](https://MassLegalHelp.org/LT-booklets) or MADE at [gbls.org/MADE](https://gbls.org/MADE).

For help with court forms and resources contact a **Court Service Center** at [mass.gov/guides/housing-court-resources](https://mass.gov/guides/housing-court-resources).

Some courts have **volunteer lawyers** to help you fill out forms. Ask the clerk how to find the volunteer lawyers.



For more, scan the QR code to see **Legal Tactics, Chapter 12: Evictions** [MassLegalHelp.org/LT-evictions](https://MassLegalHelp.org/LT-evictions)