

When to Take Your Landlord to Court

Tenants' Rights in Massachusetts

If you tried to resolve a problem with your landlord but they refuse to obey the law, you may decide the only way to fix the problem is to take them to court.

What are some things I can try before going to court?

Here are some ways you may be able to solve the problem outside of court:

- **If your landlord refuses to make repairs**, ask your local housing inspector to inspect your apartment or building and send the landlord a repair order. See **Chapter 8: Repairs**.
- **If your landlord owes you your security deposit**, send them a Consumer Protection Law demand letter. See **Chapter 3: Security Deposits**.
- **If you are having a dispute with your landlord**, community mediation programs can help solve the problem. Visit mass.gov/info-details/face-to-face-mediation-program
- **If other tenants have the same problem**, organize together for a solution. See **Chapter 10: Getting Organized**.

What can a court do?

If you have a good case and you can prove your landlord broke a law, going to court may help you. The judge may order your landlord to do things like:

- Quickly address emergencies, like no heat.
- Make a necessary repair, like fix the plumbing.

- Let you back into your apartment, if your landlord locked you out.
- Pay you money to compensate you for harm you suffered.
- Pay a fine or go to jail, but only if your landlord broke a criminal law.

They can also order a temporary landlord called a “receiver” to make repairs and manage the property.

Is my case criminal or civil?

Criminal Cases

If your landlord commits a crime, contact the police right away. Crimes include entering your apartment without your permission, cutting off your utilities, locking you out, or attacking you. Ask the police to file a criminal complaint.

Civil Cases

Most cases against landlords are civil. The most common types of civil cases are:

Small Claims

If you have a case for less than \$7,000, you can file a Small Claims case in Housing Court, District Court or the Boston Municipal Court. If your case is for more than \$7,000, talk to a lawyer.

Tenant Petition

A Tenant Petition to Enforce the Sanitary Code is a quick way to ask the court to order your landlord to make repairs, especially emergency repairs. You can also use it to ask a court to lower your rent to reflect the value

of your apartment with all its problems. It costs \$2 to file a petition.

Bad or Unsanitary Conditions

Landlords must provide “habitable” or decent living conditions. You can ask the court to order them to make repairs and return part of your rent.

Interference with “Quiet Enjoyment”

Sometimes landlords are responsible for conditions that interfere with you using your apartment. A landlord’s failure to repair serious conditions or acting in other ways that interfere with your use of your apartment is called a “breach of quiet enjoyment.” For example, cutting off your utilities if your landlord is supposed to pay them is a violation of this law.

Retaliation

It is illegal for a landlord to punish you by trying to evict you, raising your rent, or making a major change in your rental agreement because you:

- Ask for needed repairs,
- Report bad conditions in your apartment or building to the Board of Health or other local officials,
- Join a tenants’ organization, or
- Withhold rent because of bad conditions.

Consumer Protection Violations

Under the Consumer Protection Law, it is illegal for landlords to use unfair or deceptive practices. This law does not protect tenants in public housing or tenants who live in 2- or 3-family buildings if the landlord lives in the building. To use the Consumer Protection Law, you must follow specific rules, including sending the landlord a “demand letter.”

Protect Yourself Deciding to Go to Court

Going to court is stressful, and you may not win. Before you go to court, ask yourself:

- Can you fix the problem outside of court?
- What do you want the court to do?
- Do you have a case that you can prove?
- Do you need legal help and can you get it?

Security Deposits

Landlords must account for security deposits and last month’s rents properly. If your landlord violates the security deposit law, send them a “demand letter” for violating the Consumer Protection Law. See sample security deposit demand letters: **Form 5: For Tenants in an Apartment** and **Form 6: For Tenants Moving Out**. If your landlord does not give you a reasonable response, you can take them to court.

Housing Discrimination

Discrimination is illegal. Laws protect certain groups of people, cover different types of housing, and provide different protections.



For more, scan the QR code to see [Legal Tactics, Chapter 13: Taking Landlords to Court](https://www.masslegalhelp.org/LT-landlord-court)
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