GUIDE ME: My landlord wants to evict me and I have not received anything in writing.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

**Option 1. Educate yourself about your rights and options:**

Use this time to educate yourself about your rights and options. You can learn more about ways to stop or delay an eviction here https://www.masslegalhelp.org/housing/lt1-booklet-6-removing-default.pdf.

**Option 2. Talk to your landlord:**

Some landlords may be willing to resolve the issues without going to court. If your landlord needs you to move because he is taking the unit off the rental market, you may be able to negotiate an extension of time to leave and avoid having to go to court.

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GUIDE ME: My landlord wants to evict me and I have received a letter or notice telling me to leave.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

*This is the first step in the eviction process. You do not need to leave by the date stated in the notice. Your landlord can only start an eviction case against you after the date you are told to leave has passed.*

**Option 1. Educate yourself about your rights and options:**

Use this time to educate yourself about your rights and options. If you received a notice to quit for nonpayment of rent, you have the right to pay what you owe and stop the landlord from starting an eviction case in court.

Depending on the reason why the landlord has served you with a notice to quit, you may have defenses and counterclaims that you can raise in an Answer after the court eviction case has begun. Learn more about ways to stop or delay an eviction at: [www.masslegalhelp.org/housing/lt1-booklet-6-removing-default.pdf](http://www.masslegalhelp.org/housing/lt1-booklet-6-removing-default.pdf).

**Option 2. Talk to your landlord:**

Some landlords may be willing to resolve the issues underlying the notice to quit without going to court. If your eviction is because you owe rent, some landlords will still make a payment plan and let you stay as long as you can get caught up on your rent. Even if a landlord is not interested in letting you stay long term, many landlords will agree to give you a reasonable amount of time to move on your own because the landlord has to pay more money to have you forcibly evicted.

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GUIDE ME: My landlord wants to evict me and I have received a summons telling me about a court date.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

*This is your court date. It is really important that you show-up for court – even if you think you have worked everything out with your landlord. If you do not show-up, the landlord can request a default judgment against you.*

**Option 1. File an Answer:**

An Answer is a legal form completed by you that explains why you should not be evicted. In other words, it contains your defense to the eviction. If you are being evicted for non payment of rent or are being evicted without fault attributed to you, you can also bring counterclaims against your landlord for things the landlord did wrong. At the bottom of your eviction summons and complaint, it states the date you must file an Answer with the court. A copy must also be served on the landlord (or their lawyer) by this same date. Learn more about preparing an Answer at [www.masslegalhelpf.org/housing/lt1-booklet-3-answer.pdf](http://www.masslegalhelpf.org/housing/lt1-booklet-3-answer.pdf). Or, use MADE to electronically create an Answer for you, [www.masslegalelp.org/housing/eviction-asnwer-interview](http://www.masslegalelp.org/housing/eviction-asnwer-interview).

**Option 2. Serve a Demand for Discovery:**

Discovery refers to the process by which parties to a court case can request information from the other side in order to better prepare for trial. In eviction cases, it usually takes the form of a list of questions (called interrogatories) and a Request for Documents. You have the right to serve a Demand for Discovery on your landlord by the same date as the Answer due date. If you timely serve your Demand for Discovery, your hearing date will be postponed for two weeks. Learn more about serving discovery at [www.masslegalhelp.org/housing/evcition-nanswer-interview](http://www.masslegalhelp.org/housing/evcition-nanswer-interview).

**Option 3. File a Notice of Transfer to Housing Court:**

If your landlord filed the eviction case in a District Court, you have the right to transfer the case to the Housing Court. This is recommended because the Housing Court has more resources to help tenants who are representing themselves. Learn more about requesting a Transfer at www.masslegalhelpf.org/housing/lt1-booklet-5-transfer.pdf

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GUIDE ME: My landlord wants to evict me and I had a hearing before a judge and I lost and I have been served with a notice of scheduled eviction.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

*This means that a judgment for possession (eviction) and, if you owed rent, for damages has entered against you. It will also state that you have to pay the landlord’s court costs and interest that has come due on any unpaid rent.*

*This also means that the landlord has gotten an execution from the court, has now hired the county sheriff or a constable to forcibly remove you from the apartment if you don’t leave on your own. Before a sheriff or constable can evict you, however, they must give you a written notice of the date and time you will be evicted, and this notice must be served on you at least 48 hours before the date of your eviction.*

**Option 1. File a Motion To Stop Physical Eviction**:

Even after you have been served with a notice of physical eviction, you still might be able to get the court to stop or postpone a scheduled eviction. These stays are hard to get and are usually only granted when you have an emergency or can show that the landlord will not be harmed by granting a postponement of your eviction.

**Option 2. Talk to Your Landlord:**

Even after you lose your eviction case, many landlords are still willing to negotiate an agreement with you. If your eviction is because you owe rent, some landlords will still make a payment plan and let you stay as long as you can get caught up on your rent. Even if a landlord is not interested in letting you stay long term, many landlords will agree to give you a reasonable amount of time to move on your own because the landlord has to pay more money to have you forcibly evicted.

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GUIDE ME: My landlord wants to evict me and I had a hearing before a judge and lost and I have not been served with a notice of scheduled eviction.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

*This means that a judgment for possession (eviction) and, if you owed rent, for damages has been entered against you. It will also state that you have to pay the landlord’s court costs and interest that has come due on any unpaid rent.*

*Eleven days after the date of the judgment, the landlord can request an Execution from the court. This is the legal document a landlord needs to schedule a date to have you physically evicted if you do not leave on your own.*

**Option 1. File an Appeal:**

You can file an Appeal, but you only have 10 days from the date of the judgment to do this.

**Option 2. Seek a Stay of the Execution:**

You can file a motion seeking a stay of execution. If the court grants a stay of the execution it means the landlord cannot move forward with physically evicting you until the stay ends or is lifted. Learn more about how to file a Stay here: [www.masslegalhelp.org](http://www.masslegalhelp.org)/housing/lt1-booklet-8-stay.pdf

**Option 3. Talk to Your Landlord:**

Even after you lose your eviction case, many landlords are still willing to negotiate an agreement with you. If your eviction is because you owe rent, some landlords will still make a payment plan and let you stay as long as you can get caught up on your rent. Even if a landlord is not interested in letting you stay long term, many landlords will agree to give you a reasonable amount of time to move on your own because the landlord has to pay more money to have you forcibly evicted.

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GUIDE ME: My landlord wants to evict me, I made an agreement with my landlord, and my landlord has served me with a motion that I am in violation of my agreement.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

**Option 1. Show-Up for the Motion Hearing:**

Don’t ignore this motion – even if you have broken the agreement. At the hearing, the judge will give you a chance to explain what happened. You may be able to get the judge to agree to overlook the violation or you may be able to show that you can continue to comply with the agreement going forward. Sometimes landlords will agree to renegotiate the agreement if you have a reasonable explanation or plan for continuing to comply with the agreement.

**Option 2. File a Motion To Amend Agreement:**

If there is time, file your own motion to amend the agreement. If you are having trouble keeping your agreement, you can try to get the landlord to agree to change the agreement. To get your landlord back to court to renegotiate your agreement, file a Motion to Amend Agreement.

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GUIDE ME: My landlord wants to evict me and I made an agreement with my landlord that I have not been able to keep.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

**Option 1. File a Motion To Amend Agreement**:

If you are having trouble keeping your agreement, you may try to renegotiate the agreement by filing a Motion to Amend Agreement.

**Option 2. Talk to Your Landlord:**

Some landlords may be willing to renegotiate the terms of your agreement. If your landlord is willing to do this, you should still file a Motion to Amend Agreement. At the hearing date, you can have your new agreement replace the old one. This way, it will be enforced the same way as the prior agreement.

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GUIDE ME: My landlord wants to evict me and I missed my court date and was defaulted and I have now been served with a Notice of Scheduled Eviction.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

**Option 1. File a Motion To Stop Physical Eviction**:

Even after you have been served with a notice of physical eviction, you still might be able to get the court to stop or postpone a scheduled eviction. These stays are hard to get and are usually only granted when you have an emergency or can show that the landlord will not be harmed by granting a postponement of your eviction.

**Option 2. File a Motion to Remove Default:**

You can file a Motion to Remove Default Judgment. Learn more about filing this motion at www.masslegalhelp.org/housing/lt1-booklet-6-removing-default.pdf. If the court grants your motion to remove default, the judgement that had been entered gets canceled and you go back to where the case started.

**Option 3. Talk to Your Landlord:**

Even after you lose your eviction case, many landlords are still willing to negotiate an agreement with you. If your eviction is because you owe rent, some landlords will still make a payment plan and let you stay as long as you can get caught up on your rent. Even if a landlord is not interested in letting you stay long term, many landlords will agree to give you a reasonable amount of time to move on your own because the landlord has to pay more money to have you forcibly evicted.

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GUIDE ME: My landlord wants to evict me and I missed my court date and I defaulted and I have not been served with a notice of a scheduled eviction.

**Below is a list of options for you to read. Depending on your situation, one or more of these options may be of assistance.**

*If you do not show up for a court hearing, a landlord has the option of defaulting you as long as you are not in active military service. This means the landlord got a judgment for possession (eviction) and, if you owe rent, damages in the amount of the rent the landlord claims you owe. If you do nothing to remove the default, eleven days from the date of the default the landlord can request an execution and after that hire a county sheriff or constable to evict you.*

**Option 1. File a Motion to Remove Default:**

You can file a Motion to Remove Default Judgment. Learn more about filing this motion at www.masslegallhelp.org/housing/lt1-booklet-6-removing-default.pdf. If the court grants your motion to remove default, the judgement that had been entered gets canceled and you go back to where the case started.

**Option 2. Talk to Your Landlord:**

Many landlords are still willing to negotiate an agreement with you. If your eviction is because you owe rent, some landlords will still make a payment plan and let you stay as long as you can get caught up on your rent. Even if a landlord is not interested in letting you stay long term, many landlords will agree to give you a reasonable amount of time to move on your own because the landlord has to pay more money to have you forcibly evicted.

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