UpToCode will help guide you through the court process. If the court has a Lawyer for a Day Program or Court Service Center, ask for help. Not all courts handle Emergency Motions in the same way. Don’t worry – just go to court with your documents (or print them there at the Court Service Center or Law Library). The Clerk will help guide you through the steps below. You can also e-file your documents. To learn how, go to <http://www.efilema.com/>. For info about e-filing in Housing Court, go to <https://www.mass.gov/guides/efiling-in-the-housing-court>

Next steps: Filing Your Complaint in {{ trial\_court }}

Here are the {{ trial\_court }}’s address and phone number:

* + {{ trial\_court.address.on\_one\_line() }}
  + {{ trial\_court.phone\_number }}

1. Print **3 copies** of the **Complaint** and of the **Motion** and **proposed Orders**, too, if you are asking the court to order repairs or other relief now.
   * One set gets filed with the court;
   * Another set gets served on your landlord, together with the Civil Summons you get from the Clerk and any Order from the court;
   * Keep a copy of each document for yourself.
2. The docket number will be assigned later.
3. Email the Complaint and Motion to the landlord before going to court if possible. Attach to your Motion any photos you may have that show what needs to get fixed.

* **Tip**: You can’t just show the judge photos on your phone. The court may have a Court Service Center or Law Library where you can print copies. If you have a video or photos to show the judge, you could bring them on a flashdrive or ask the Clerk if you could email it to them. You should email or give the landlord copies, in advance if possible, of anything you want to show the judge.

1. Bring your **Complaint** and any **Motion** to the {{ trial\_court }} – Clerk’s Office. You should also give the clerk the copies of the proposed Orders. There is a filing fee to start your case in court.
   * You do not have to pay the fee if you show the court that you cannot afford it. Fill out the **Affidavit of Indigency** form that shows how low your income is. That form is confidential, so your landlord should not get to see it. If you receive certain benefits like SSI, food stamps or MassHealth, you automatically qualify.
   * No matter what your income is, you can tell the court that under Mass. Gen. Law Chp. 111, Section 127D, the filing fee should only be $2 if you are seeking repairs under the State Sanitary Code and have had or requested an inspection from your City or Town. (Your motion will have to indicate that, and state that the conditions were not substantially caused by you or anyone under your control.)

Will a Judge Hear my Case that Day?

1. If you are asking the court for an Emergency Order (which is called a **Temporary Restraining Order** or **TRO** under the Civil Rules), let the Clerk know about your situation. A clerk or Housing Specialist (if you are in the Housing Court) may try contacting your landlord to try to resolve the problem.
2. If that is not successful, the Judge will decide whether to hear your Motion that day, or to schedule it for another day. The Judge could even make a temporary Order without a hearing. **That Order lasts for ten days.**

Mediation

1. You may be asked if you want to try mediating, or resolving all or part of your case, before or after seeing a judge. You could agree, for example, to a specific time for repairs.
2.  BE CAREFUL: **DO NOT sign anything that requires you to vacate your home, even if you may want to move**. This is not an eviction case. Do NOT give up, or “waive,” your claims without fair money compensation. Ask to see a Lawyer for a Day or get legal advice before signing any such agreement.

Presenting your Motion: Tell your Story to the Judge

If you are given a hearing that day, or come back on another day to be heard, go to the Courtroom and be sure the courtroom clerk knows you are there.

1. You will be asked to take an oath where you swear to tell the truth. Tell the judge what needs to be fixed, and what the landlord did or threatened to do.
2. Show the judge any proof you have, such as printed photos, Board of Health reports, texts, or email exchanges.
3. Tell the judge what you are asking the court to order the landlord to do, such as immediately fix certain conditions or pay for a hotel room until the repairs are made.
4. This is only a motion hearing – any money damages you are seeking won’t be decided until later in your case at a trial before a judge, or a jury, if you requested a jury in your Complaint.
5. Tell the judge that you have submitted proposed Orders for the judge to consider. If the judge issues an Order, ask the clerk for two copies. **Keep a copy for yourself.**
6. If you do not understand the order, bring it to the Lawyer for the Day or Court Service Center, or ask the clerk to explain it.

If your landlord **was** in court, they should get a copy of the Order and know what they have to do. If your landlord was **not** in court, follow the service steps below.

Next Steps: Serving your Landlord

Sometimes just going to Court once results in getting the problems fixed, and that’s all you want. But if you are continuing with your case for more relief or for money damages, your landlord needs to be formally served with a **Summons** along with your **Complaint**.

1. You can purchase the **Summons** from the Clerk. A **summons** is like a cover sheet telling the landlord they are being sued and how to respond. It usually costs $5 (unless you have gotten the fee waived by filing an **Affidavit of Indigency**).
2. Ask the clerk for the address of the Sheriff’s Office (Civil Division) or a constable who can serve the order upon your landlord. If you qualify for a fee waiver, then the Sheriff will serve the landlord without charging you. You must bring the signed fee waiver to the Sheriff’s office along with copies of the documents to be served and the **original** summons. The Sheriff’s Office will give you back the original summons along with the signed “return of service” describing how and when the documents were given to your landlord.
3. As a plaintiff, **you are not allowed to deliver the order yourself.**
4. If your landlord was **not** in court when the judge issued a temporary Order, or if Clerk tells you that the landlord needs to be given an Order of Notice for a hearing date, then you can have the landlord **served** with the Order, your Motion and your Complaint, together with the original Civil Summons.
   * Once the landlord has been served, the Sheriff or Constable will complete the Return of Service on the Summons for you to **file with the court together with the documents** that have been served on your landlord. This is an important step that both gives your landlord notice **and** gives the court the authority to hear your case. You have 90 days from the date you filed the complaint to complete service on your landlord (and file or e-file the original summons with return of service.)

What happens if your Landlord does Not Follow the Court’s Order?

1. The Order should say how much time the landlord has to make the repairs. It may be 24 hours, or 30 days.
2. If your landlord does not comply with the Order, you can file a **Contempt Complaint** and ask the court to issue a **Contempt Summons**. You can go to [https://uptocode.org/](https://uptocode.org/" \o "https://uptocode.org/" \t "_blank) to make just that one document:  go back to “Start your List,” select your problems, and choose that the judge already ordered the landlord to do something and the landlord is ignoring the order. Or you can just ask the Clerk (or Court Service Center, if available) for a Contempt Complaint to fill out.
3. The Contempt Complaint and Contempt Summons then both need to be served on your landlord by the Sheriff’s Office (for free if you have gotten the cost of service waived).