TEMPORARY RESTRAINING ORDER

COMMONWEALTH OF MASSACHUSETTS TRIAL COURT

|  |  |
| --- | --- |
| {{ trial\_court.address.county }}, ss | {{ trial\_court }}  Docket number: |
| {{ users }}  {{ users.as\_noun("Tenant") }} / {{ users.as\_noun("Plaintiff") }} |  |
| **vs.**  {{ other\_parties }}  {{ other\_parties.as\_noun("Landlord") }} / {{ other\_parties.as\_noun("Defendant") }} | *PROPOSED*  TEMPORARY ORDER FOR REPAIRS OR OTHER RELIEF AND NOTICE OF PRELIMINARY INJUNCTION HEARING |

From the specific facts set out in the Tenant’s Verified Complaint and Motion, it appears that immediate and irreparable harm will result to the Tenant(s) unless relief is ordered. Accordingly, at \_\_\_\_\_ o’clock \_\_\_\_. M., this \_\_\_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, Defendant(s) and their employees and agents (the “Landlord”) are ordered, pursuant to Mass. R. Civ. P. 65(a), to refrain from violating the State Sanitary Code and/or other applicable housing laws with respect to the subject premises located at:

{{ users[0].address.on\_one\_line() }} (the “home.”)

**The Landlord is ordered**{% if include\_conditions\_in\_complaint%} **to correct the following violations:**{% endif %}

1. **IMMEDIATELY, and no later than 24 hours from notice of this Order (105 CMR 410.630(A), 410.640(A)(1)):**

{%p if bad\_conditions.emergency\_conditions() | length > 0 %}

{%p for problem in bad\_conditions.emergency\_conditions() %}

{{ problem.original\_description }} (Sanitary Code: {{ problem.code }})

{%p endfor %}

{%p endif %}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **WITHIN \_\_\_\_ DAYS OF THIS ORDER, not to exceed 30 days from notice of this Order** **(105 CMR 410.640(B)):**

{%p for problem in bad\_conditions.active\_conditions() %}

{{ problem.original\_description }} (Sanitary Code: {{ problem.code }})

{%p endfor %}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**The Landlord/Defendant is further ordered to:**

* Correct any additional violations cited by the City or Town within the time period(s) ordered. (*Order attached hereto.*)
* Immediately restore the following utilities to the home (G.L. c. 186 §14):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* Immediately transfer all utilities to Landlord’s name and pay for utilities. (105 CMR. § 410.200)
* Immediately restore the Tenant’s access to the home. (G.L. c. 186 §14)
* Not enter the Tenant’s home without permission, except in an emergency. (G.L. c. 186 §14)
* Give the Tenant reasonable notice for repairs: at least 48 hours (except in an emergency), for which access shall be given. (105 CMR 410.003 (E))
* Either as required in the event of condemnation (105 CMR. § 410.900) or pursuant to the Court’s equitable powers, provide the Tenant(s) with “comparable, suitable housing” as needed (*specify time period/type of accommodations, etc.*):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* OTHER:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For good cause shown, no security need be given by the Tenant(s) for the issuance of these Orders pursuant to Mass. R. Civ. P. 65(c).

This Temporary Restraining Order EXPIRES 10 days from the date and time it was granted, BUT IT MAY BE RENEWED in the form of a preliminary injunction. At the Tenant’s request, a HEARING to decide if a preliminary injunction should be issued has been scheduled for:

DATE: The \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock.

**PLAINTIFF/TENANT**: A COPY OF THIS ORDER SHOULD BE **SERVED UPON THE DEFENDANT/LANDLORD** FORTHWITH.

**SO ORDERED**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
Judge’s Signature Date