**Tenant’s complaint for emergency repairs**

**Commonwealth of Massachusetts Trial Court**

|  |  |
| --- | --- |
| {{ trial\_court.address.county }}, ss | {{ trial\_court }} |
|  | Docket number: |
| {{ users }}  {{ users.as\_noun("Tenant") }} / {{ users.as\_noun("Plaintiff") }} {{users[0].address.block() }}{% if users[0].phone\_numbers() %} {{ users[0].phone\_numbers() }}{% endif %} {{ users[0].email }} |  |
| **vs.** | {% if person\_answering == "attorney" %}Complaint{% else %}Verified complaint{% endif %} and request for emergency repair order and other relief |
| {{ other\_parties }}  {{ other\_parties.as\_noun("Landlord") }} / {{ other\_parties.as\_noun("Defendant") }}  {{ other\_parties[0].address.block() }} {{ other\_parties[0].phone\_numbers() }} {{ showifdef("other\_parties[0].email") }} |

Landlord’s violations of Massachusetts law

1. My landlord has not made repairs to my home as required by the State Sanitary Code. The problems in my home that need to be repaired on the date that I make this complaint include but are not limited to:
   1. {%p for condition in bad\_conditions.active\_conditions() %}
   2. {{ condition.original\_description }}
   3. {%p endfor %}
2. {%p if complaint\_for\_damages and bad\_conditions.resolved\_conditions() %}
3. The problems in my home that have been repaired but were not repaired in a timely way include:
   1. {%p for condition in bad\_conditions.resolved\_conditions() %}
   2. {{ condition.original\_description }}
   3. {%p endfor %}
4. {%p endif %}
5. {%p if verified\_complaint\_claims["insufficient notice"].has\_claim %}
6. My landlord failed to give me reasonable advance notice for access to my home. Specifically, {{ fix\_punctuation(verified\_complaint\_claims["insufficient notice"].details) }}
7. {%p endif %}
8. {%p if verified\_complaint\_claims["entered without permission"].has\_claim %}
9. My landlord came into my home without my permission. Specifically, {{ fix\_punctuation(verified\_complaint\_claims["entered without permission"].details) }}
10. {%p endif %}
11. {%p if verified\_complaint\_claims["utility no agreement"].has\_claim %}
12. My landlord failed to pay for my {{ complaint\_utility\_not\_paid.true\_values() }} utilities without an express written agreement requiring me to pay for utilities. Specifically, {{ fix\_punctuation(verified\_complaint\_claims["utility no agreement"].details) }} (Under the State Sanitary Code, the landlord is responsible for all utilities unless there is a lease or writing making the tenant responsible for one or more utilities.) I do not have a written utility agreement with my landlord.
13. {%p endif %}
14. {%p if verified\_complaint\_claims["utility shutoff"].has\_claim %}
15. My landlord caused my {{ complaint\_utility\_shutoff.true\_values() }} to be shut off. Specifically, {{ fix\_punctuation(verified\_complaint\_claims["utility shutoff"].details) }}
16. {%p endif %}
17. {%p if verified\_complaint\_claims["other"].has\_claim %}
18. My landlord also violated the law when they {{ fix\_punctuation(verified\_complaint\_claims[i].details) }}
19. {%p endif %}

Landlord’s actions have harmed the tenant

1. I am seeking an order from the Court because the landlord’s actions and failure to make repairs are causing me harm by making my home unhealthy, unsafe, or causing me distress.
2. {%p if tenant\_gets\_rent\_subsidy and (tenant\_subsidy\_is\_voucher and verified\_complaint\_tenant\_voucher\_at\_risk) or verified\_complaint\_other\_emergency\_basis %}
3. I also need immediate relief because the landlord’s behavior is causing me harm by:
   1. {%p if tenant\_gets\_rent\_subsidy and tenant\_subsidy\_is\_voucher and verified\_complaint\_tenant\_voucher\_at\_risk %}
   2. Putting my housing voucher at risk because the housing authority will not continue a contract with the landlord unless my home meets the housing quality standards.
   3. {%p endif %}
   4. {%p if verified\_complaint\_other\_emergency\_basis | length > 0 %}
   5. {{ verified\_complaint\_other\_emergency\_basis }}
   6. {%p endif %}
4. {%p endif %}

{%p if is\_landlord\_subject\_to\_93a %}

Landlord is subject to the Consumer Protection Law, M.G.L. c. 93A

1. The landlord is also subject to the Consumer Protection Act (G.L. c. 93A) because they are in the business of being a landlord, in that:
   1. {%p if not landlord\_lives\_in\_building %}
   2. The landlord does not live in the building.
   3. {%p endif %}
   4. {%p if building\_larger\_than\_4\_units %}
   5. The building has more than 4 units.
   6. {%p endif %}
   7. {%p if landlord\_rents\_other\_property %}
   8. The landlord owns multiple buildings for the purposes of rental income.
   9. {%p endif %}
   10. {%p if commercial\_landlord\_factors['is\_company'] %}
   11. The landlord is an LLC or company and not an individual landlord.
   12. {%p endif %}
2. {%p if demand\_letter\_sent %}
3. On or about {{ date\_of\_93A\_notice }} I sent the landlord a letter demanding a reasonable offer of settlement, pursuant to the consumer protection law, M.G.L. c. 93A.
4. {%p if not got\_93a\_settlement\_offer %}
5. The landlord did not respond to my demand letter with a reasonable offer in settlement within 30 days.
6. {%p endif %}}
7. {%p else %} {# demand letter not already sent #}

Demand to Landlord for reasonable offer of settlement pursuant to M.G.L. c. 93A

1. This Complaint is also a demand that you stop your unlawful conduct and that you make a reasonable offer of settlement to compensate me for the harm I have suffered within thirty (30) days.
2. Note: Tenant will seek to file an Amended Complaint if Landlord fails to make a reasonable settlement offer and otherwise comply with the law.
3. {%p endif %} {# demand letter sent #}

{%p endif %} {# is\_landlord\_subject\_to\_93a #}

Demand that Landlord not retaliate against Tenant

To the landlord: this complaint is also a demand that you not retaliate against me or take any action to try to punish me for asserting my rights in violation of M.G.L. c. 186 §18 and M.G.L. c. 239 § 2A. Any action taken to retaliate against me may entitle me to additional damages of up to 3 times my monthly rent.

Tenant’s request for relief

I ask the Court to:

1. Issue a Temporary Restraining Order, Preliminary Injunction, and Permanent Injunction requiring the landlord to:
   1. {%p if bad\_conditions.active\_conditions() %}
   2. Make repairs so my home is up to code.
   3. {%p endif %}
   4. {%p if verified\_complaint\_claims["insufficient notice"].has\_claim %}
   5. Give me reasonable notice (48 hours) for repairs.
   6. {%p endif %}
   7. {%p if verified\_complaint\_claims["entered without permission"].has\_claim %}
   8. Not enter my home unless I am there or give permission in writing.
   9. {%p endif %}
   10. {%p if verified\_complaint\_claims["utility shutoff"].has\_claim %}
   11. Restore my utility service.
   12. {%p endif %}
   13. {%p if verified\_complaint\_claims["utility no agreement"].has\_claim %}
   14. Transfer all utilities to Landlord’s name and pay for utilities.
   15. {%p endif %}
   16. Stop interfering with my right to quiet enjoyment of the premises and a safe and sanitary apartment.
2. {%p if complaint\_ask\_for\_damages %}
3. Award me money damages, costs and attorney’s fees. My damages include but are not limited to:
   1. For breach of my right to quiet enjoyment, I am entitled to a minimum of three times my monthly rent or my actual damages, whichever is greater. My rent is {{ currency(tenant\_unit\_rent) }}.
      1. Actual damages include but are not limited to emotional distress and money losses) because the problems in my home were serious, my utilities were shut off, or the Landlord’s actions violated my right to enjoy my home.
      2. {%p if tenant\_gets\_rent\_subsidy %}
      3. Because I get a rent subsidy, the minimum amount of damages of three months’ rent is based on the full contract rent, not just my portion of the rent.
      4. {%p endif %}
   2. For breach of the warranty of habitability, I am entitled to damages because my rental unit was worth less due to the condition of my home and the problems that weren’t fixed. My damages are based on the percentage reduction in the value of my home caused by the landlord’s failure to make repairs.
   3. {%p if landlord\_subject\_to\_consumer\_protection\_law %}
   4. For violation of the Consumer Protection Act (G.L. c. 93A), I am entitled to up to 3 times my damages because my Landlord has acted unfairly, deceptively, or failed to make a reasonable offer of settlement within 30 days of my demand.
   5. {%p endif %}
4. {%p endif %}
5. Waive the requirement of Rule 65(c) of the Massachusetts Rules of Civil Procedure that I provide security for the issuance of the above Order because I cannot afford to provide such security.
6. Schedule a Preliminary Injunction Hearing prior to the expiration of any Temporary Restraining Order that may be granted.
7. Award such further relief as justice requires.

{%p if person\_answering == "attorney" %}

Signature of attorney

Respectfully submitted,

{{ users }}, {{ users.as\_noun("Plaintiff") }}

By their attorney,

{{ users[0].attorney.signature\_if\_defined(i) }}

{{ users[0].attorney }}

{{ users[0].attorney.organization }}

{{ users[0].attorney.address.block() }}

{{ users[0].attorney.phone\_numbers() }}

{{ users[0].attorney.email }}

{%p else %}

Signature of tenant

Respectfully submitted,

{{ users[0].signature\_if\_defined(i) }}

{{ users[0].name.full() }}

{{ users[0].address.block() }}{% if users[0].phone\_numbers() %}

{{ users[0].phone\_numbers() }}{% endif %}  
{{ users[0].email }}

Tenant’s verification

I, {{ users }} *(plaintiff/tenant)*, have personal knowledge of all of the facts stated above and hereby swear under the pains and penalties of perjury that all of those facts are true and accurate.

{{ users[0].signature\_if\_defined(i) }}  
*Signature of tenant*

{%p endif %}

Date: