# Guide Me: Steps to take when…

## You missed your eviction hearing, you "defaulted," and you were served with a notice of a scheduled eviction

### File a Motion to Stop Physical Eviction

Even after you get served with a notice of physical eviction, you **may** be able to get the court to stop or postpone it. You need to ask the court for "Stay of Execution."

These "stays" are hard to get. Usually, judges only grant a stay if:

* you have an emergency, or
* you can show the judge that your landlord will not be harmed if the judge delays your eviction date.

See Stay – Representing Yourself in an Eviction Case: [MassLegalHelp.org/housing/lt1-booklet-8-stay.pdf](https://www.masslegalhelp.org/housing/lt1-booklet-8-stay.pdf).

### File a Motion to Remove Default

You can file a Motion to Remove Default Judgment. See Removing a Default in all Housing Superior and District Courts: [MassLegalHelp.org/housing/lt1-booklet-6-removing-default.pdf](https://www.masslegalhelp.org/housing/lt1-booklet-6-removing-default.pdf)

If the court grants your motion to remove default, the court cancels the default judgment and you go back to where you were in the case, **before** you missed the hearing.

### 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 agree to a payment plan and let you stay if you can get caught up on your rent.

Even if your landlord is not interested in letting you stay long-term, they may agree to give you a reasonable amount of time to move on your own.

It may cost the landlord more to pay a sheriff or constable to evict you, and move all your things out.

### Until December 31, 2020, you may be eligible to stop an eviction where your landlord is asking for back rent

You might be protected by the federal CDC Moratorium if you

* cannot pay your full rent because you have lost income or have high medical expenses,
* are making best efforts to pay the rent including applying for financial help, and
* are likely to become homeless or doubled up if evicted.

Learn more about the moratorium, and how to send your landlord a declaration that you are protected by the federal CDC moratorium on evictions.

See:  
[MassLegalHelp.org/covid-19/housing](https://www.masslegalhelp.org/covid-19/housing) and   
[CDC.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf)

### Apply for Shelter or Emergency Assistance

You may qualify for shelter if you have children and your landlord evicted you because:

* you could no longer afford your rent, or
* you did not do something to cause your eviction.

Learn more about how to get shelter. See Emergency Housing Assistance Programs on Mass.gov: [Mass.Gov/emergency-housing-assistance-programs](https://www.mass.gov/emergency-housing-assistance-programs)

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