# Guide Me: Steps to take when…

## You missed your eviction hearing, you "defaulted," and you have not been served with a notice of a scheduled eviction

If you do not show up for a court hearing, your landlord can "default" you - as long as you are not in active military service. Your landlord can get a "judgment for possession," an eviction order, if you do not show up at court for your hearing.

If you owe rent, the order includes "damages" in the amount of the rent the landlord claims you owe.

If you do nothing to remove the default, 11 days from the date of the default, your landlord can ask the court for an execution. Your landlord needs an execution to hire a county sheriff or constable to move you out of your apartment.

### 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.masslegallhelp.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

Many landlords are still willing to negotiate an agreement with tenants even after they get a decision from the court.

If your eviction is because you owe rent, some landlords will still make 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, many landlords will agree to give you a reasonable amount of time to move on your own.

It may cost the landlord more money to hire someone to move you and your things out of your apartment.

### Until January 31, 2021, 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

[MassLegalHelp.org/cdc-declaration.pdf](https://masslegalhelp.org/cdc-declaration.pdf)

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