

Facing eviction? We can help.



All services are free

If you are a Somerville tenant, you may be eligible for help from the following agencies. Some income limits and other eligibility criteria may apply.

For help resolving landlord/tenant matters including evictions, housing search assistance, referrals for legal services, and help applying for financial assistance, contact:



Somerville Office of Housing Stability
50 Evergreen Avenue, Somerville, MA 02145
Francelia Lievanos at 617-625-6600 Ext. 2581 or
somervillema.gov/OHS, click on “Referrals to OHS”

For help with rental assistance and/or moving costs, contact:

Metro Housing Boston - RAFT/ERMA
Apply at metrohousingboston.org

Somerville Homeless Coalition
617-623-6111
Apply at
somervillehomelesscoalition.org/rapid-response

Just-A-Start
617-494-0444
contact@justastart.org

Community Action Agency of Somerville
617-623-7370
Ashley Tienken, Director of Housing Advocacy
atienken@caasomervillema.org

For legal help and advocacy in evictions, contact:

Cambridge and Somerville Legal Services
Intake line, 617-603-1700

De Novo
617-661-1010

Harvard Legal Aid Bureau
617-495-4408

Community Action Agency of Somerville
617-623-7370
Ashley Tienken, Director of Housing Advocacy
atienken@caasomervillema.org
(non-attorney advocates)

COVID-19 Eviction Diversion Initiative
mass.gov/CovidHousingHelp or call 2-1-1

IMPORTANTE!! Por favor traduzca este documento; ENPOTAN!! Tanpri tradwi dokiman sa a; IMPORTANTE!! Por favor traduza este documento; महत्वपूर्ण!!

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SOMERVILLE OFFICE OF HOUSING STABILITY

TENANTS' RIGHTS AND LANDLORDS' RESPONSIBILITIES IN AN EVICTION CASE

(Required by the "Housing Stability Notification Act" Somerville Ordinance 2019-19, Article XI §7-283)

- Get legal help as soon as possible.
- A tenant may choose to, but not does not have to move by the termination date in the Notice to Quit.
- Only a court can order your eviction!
- COVID-19 emergency protections currently prohibit physical removal, even if a court gives permission to evict. See page 4 for more information.

Where can a tenant get help with the eviction process?

- ✓ See the attached list of agencies that may help with eviction and related issues.
- ✓ **The Office of Housing Stability** can refer tenants to an attorney or other important eviction resources. Call 617-625-6600 Ext. 2581 or submit a referral at somerillema.gov/ohs. We speak English, Spanish, Portuguese, and Somali and will use Language Line for other languages. There are some income limits and other eligibility requirements that apply in order to get legal representation.
- ✓ Temporary housing protections and eviction procedures are in place during the COVID-19 emergency, but these can change quickly. Sign up for City Alerts for updates at somerillema.gov/alerts. Visit somerillema.gov/ohs or call 617-625-6600 Ext. 2581 for more information.
- ✓ See masslegalhelp.org for more information about the eviction process and for the Answer and other forms the tenant will need to file.
- ✓ If you can't obtain legal help see gbls.org/MADE for help completing necessary court forms.

- ✓ For personal help in filling out forms, contact the Boston Court Service Center via Zoom: <https://www.zoomgov.com/j/1615261140> or by calling 646-828-7666 (Enter Meeting ID 1615261140) Monday – Friday, 9-12. There are no income or other eligibility guidelines but the Center’s attorneys do not provide legal representation. Currently, services are limited to emergencies and only remote. Check mass.gov/guides/housing-court-resources for updated information.

What are the steps in an eviction and what does a tenant need to do to be prepared?

Notice to Quit

- ✓ **Landlord provides the tenant with a written Notice to Quit (in most cases)**
 - The amount of notice will vary depending on the type of tenancy and the reason. In most cases, it will be 7, 14, or 30 days or a rental period notice.
 - If a tenant receives a 14-day Notice to Quit for nonpayment of rent, the tenant has **a right to pay up the money due by certain deadlines** and prevent an eviction:
 - a tenant at will (no lease) has one chance in a 12-month period to pay up the full amount then due within ten days from receipt of the Notice to Quit.
 - a tenant under lease has a longer time (until the Answer Date) to pay up the full amount of rent due plus interest and court costs (generally \$225 - \$260).
 - Immediately contact the listed agencies for help with back rent.

Court Complaint

- ✓ **Landlord provides the tenant with a summary process Complaint**
 - The Summons and Complaint will be hand-delivered by a constable/sheriff OR left at the tenant’s apartment and sent by first class mail. It might also be emailed.
 - As of 10/19/2020, the Summons and Complaint will not list a trial date, and instead the clerk’s office will mail the parties the date and details of the first court event, which will be a status/case management conference. Read carefully all notices received from the court.
- ✓ **Tenant has the right to file an Answer and other documents.**

- The tenant may file with the court and give the landlord (or landlord's attorney) an Answer by a date set by the court. Read carefully all notices received from the court.
- The Answer explains any defenses or counterclaims the tenant has to the landlord's claim for possession, any rent due, and any lease violations. Counterclaims are claims that the tenant has against the landlord such as bad conditions or mishandling a security deposit.
- The tenant has the right to file and serve discovery requests (requests for information from the landlord about the case) by the Monday after the date the Complaint is filed with the Court (or a later date set by the court) and a demand for jury trial by the Answer deadline set by the court.

For more information about these forms, see [masslegalhelp.org](https://www.masslegalhelp.org) or gbls.org/MADE. Tenants should get legal help as soon as possible to fill out the Answer and other documents.

Right to Transfer

- ✓ **Tenants have a right to TRANSFER cases filed in Somerville District Court to the Eastern Housing Court.**
 - Tenants should talk to an advocate about whether to transfer their eviction case. For information on how to transfer a case see [masslegalhelp.org](https://www.masslegalhelp.org).

Status/Case Management Conference

- ✓ **The clerk's office will notify all parties of a date and time for a status/case management conference held by Zoom or on the phone.**
 - If you are not able to participate by phone or Zoom or need a free, court-provided interpreter, immediately contact the clerk's office.
 - At the conference, referrals to agencies for rental assistance and mediation may be provided (and in Housing Court, there will be a mediator and there may be a Lawyer for the Day program to provide limited help to tenants and landlords without their own lawyer).
 - With help from a mediator and/or Lawyer for the Day or on their own, the parties may sign a court agreement to resolve the case. The tenant should be very careful that he/she understands and can follow the agreement as it will be almost impossible to undo.
 - At the conference or later, the court will notify the parties of the date and purpose of the next event, which might be a trial, and will notify the parties of

any deadlines.

Trial and Decision

- ✓ **Both parties must attend the trial**
 - If the matter is not resolved at the status/case management conference or otherwise, there will be a trial and a judge (or jury) will make a decision on the landlord's claims (for possession and any rent) and the tenant's defenses (and, if raised, counterclaims). In most cases, the trial before a judge will be held by Zoom or phone (at least 14 days after the status/case management conference) and a jury trial will be held in person (at a much later date).
 - If the tenant does not attend the trial on time, the tenant "defaults" and automatically loses the right to possession. The tenant may file a Motion to Remove the Default and should immediately consult with an advocate about this process.
- ✓ **A decision about who gets possession of the apartment and any money due is made by the judge/jury after trial, through an Agreement, or automatically by the court if either party does not appear before the court.**

Right to Appeal

- ✓ If the landlord wins the right to "possession" of the apartment, then the tenant has ten days to file an appeal (if there was a trial) or other motions.

Notice of Levy/Physical Removal

- ✓ During the COVID-19 emergency, physical removal is prohibited by the **Somerville Moratorium on Eviction Enforcement**, which remains in effect until further notice.
- ✓ Somerville residents should immediately contact an advocate for advice if they receive a notice of physical removal in violation of the Somerville Emergency Order.
- ✓ In addition, the **Federal Eviction Moratorium** (CDC Order) prohibits physical removal of covered persons through December 31, 2020. To be covered, tenants must meet certain conditions and send a signed Declaration to their landlord as soon as possible. Visit somervillema.gov/ohs for more information and a copy of the **Declaration**.
- ✓ While these housing protections are in place and after they end, it is critical that tenants continue to pay their rent. For help with rental assistance, see the attached list of agencies.
- ✓ Prior to the COVID-19 protections that are currently in place, if the landlord won the right to "possession", and there was no appeal, the court could issue an execution, which is the legal document that allows the constable/sheriff to physically evict after a 48-hour written notice.
- ✓ Policies can change quickly. It is important to stay updated; see page 1 for details.