

## **FILING A NOTICE OF CLAIM AGAINST THE CITY**

This is an outline of the City's administrative procedures to process a request for compensation due to injuries or damages caused by road or sidewalk defects or potholes on public ways within the City, or by automotive collisions with vehicles owned by the City.

### **Step 1: File a Notice of Claim.**

In order to facilitate your claim, write a letter—called a Notice of Claim—to the City Clerk, 93 Highland Avenue, Somerville, MA 02143. Please include the following:

1. Your name, address, and phone number,
2. The exact time and date of the incident,
3. The exact location of the incident,
4. A precise description of the defect that led to the incident (if applicable),
5. A detailed statement of facts,
6. A description of the remedy you seek,
7. Any itemized receipts or estimates showing the injury or damage suffered, and
8. Any photographs or other supporting information.

It is recommended that you retain a copy of whatever you provide us for your records.

There is a 30 day period (Mass. General Law Ch. 84) from the date of the injury due to a road or sidewalk defect or pothole, and a 2 year period (Mass. General Law Ch. 258) from the date of the motor vehicle accident, to file a claim. For further information, Massachusetts General Laws are located on the State Legislature's website at <http://www.mass.gov/legis/laws/mgl/index.htm>.

### **Step 2: Claim Processing.**

The claim is logged in by the City Clerk and forwarded to the Law Department. The Law Department investigates your claim. Please understand that the Law Department requires sufficient time to complete the investigation, and allow 6 to 8 weeks before inquiring about your claim. Direct all questions and concerns to the Law Department at (617) 625-6600 Ext. 4400.

### **Step 3: Please Note:**

Your claim will not be processed if it arrives after the period for filing a claim has passed.

To preserve your rights, if the City does not pay your claim, you can file suit in an appropriate court within 3 years of the date of the incident.

**THIS IS NOT INTENDED TO BE LEGAL ADVICE. PLEASE CONTACT AN ATTORNEY FOR A MORE DETAILED EXPLANATION OF YOUR LEGAL RIGHTS.**