

TIPS FOR FILING HOUSING CASES (COMPLAINTS) TO COURT

Case File Information/Documentation

Your case file should have any pertaining documents to the housing case:

- Copies of inspection report
- Copies of Invoice
- Copies of Correction
- Case Notes: includes any form of communication between affected parties
- Copies of any previous violations or complaints
- Copy of proof of service



Use Appropriate Court Forms

- Visit the State's [website](#) to find all court forms
 - [Application for Temporary Restraining Order](#)
- You can also file housing cases electronically through [eFiling](#).
 - A [Guide on how to eFile](#) is available on the state's [website](#).
- **Housing Court Locations**
 - Click [here](#) to find contact information for your housing court.



File in a timely Manner

- Keep track of housing cases deadlines.
- A delay does not demonstrate urgency.



Testimony-Synopsis of the case to date

Complaint description is similar to your testimony

- Date of complaint received
- Time & date of inspection
- Person lodging the complaint
- Summary of Inspections findings (note serious violations)
- Alleged violations
- Action taken following inspection



Plan for the Hearing

- Think of what you want the court to do.
- Think of what would you consider as an acceptable outcome.
- Bring hard copies of photographs, sometimes phones are not allowed in court.



Central Massachusetts Public Health Training Hub

Resources: [Community Sanitation Program](#); [Preparing for Court MetroWest Public Health Shared Services Presentation](#) by Halfmann Public Health Consulting, LLC; <https://www.mass.gov/info-details/criminal-proceedings-in-the-housing-court>; [Housing Court Resources](#); [Jurisdiction and work of the Housing Court](#)

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Know the difference between Civil and Criminal Cases

Civil

- You do not need legal counsel
- The order will be issued to make repairs, will have a deadline and any solutions.
- You can file for a Search Warrant or a Temporary Restraining Order (TRO)
 - Search warrant: you have to have sufficient probable cause to search the property in question
 - Temporary Restraining Order (TRO): court orders owner(s) to take immediate action to make repairs. Order last for 10 days only.
- Remedy: creative ways to reach compliance:
 - Receiverships—request a receiver to make repairs.
 - Great tool to use when dealing with abandoned properties



Criminal

- Longer process— Requires multiple court appearances
- You need legal counsel
- There is no enforcement on the order to make repairs.
- The only remedy is fines, but only when the individual is found guilty.
 - If individual can't pay fines and provides proof that they can't pay for the fines, then the case will be dismissed.



Know the Housing Specialist

- Housing specialists are employees of the court who serve as mediators for cases that are filed in the housing court.
- You can reach out to them for questions.
- You can call ahead and ask to sit at a housing court hearing to learn more! To find contact information for your housing specialist click [here](#).



How do you respond to a subpoena?

- Thoroughly read the entire subpoena to find all relevant information.
- Consult your legal counsel about any questions or concerns.



Additional Resources

- [Housing Court Resources](#)
- [Jurisdiction and work of the Housing Court](#)



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