

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 including those allegedly caused by road or sidewalk defects or potholes on public ways within the City, by collisions with vehicles owned by the City, alleged negligent or wrongful acts or omissions by a public employee or claims related to property damages allegedly related to public trees.

Step 1: File a Notice of Claim.

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

1. Your name, address, email address and phone number,
2. The exact time and date of the incident or nature of your claim,
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 in which to file a claim due to a road or sidewalk defect or pothole, and usually a 2 year period (Mass. General Law Ch. 258) for all other claims,. 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. YOU SHOULD CONTACT AN ATTORNEY FOR A MORE DETAILED EXPLANATION OF YOUR LEGAL RIGHTS.