

Rights and Resources for Tenants and Former Homeowners at the End of a Tenancy



As required by the Housing Stability Notification Act, City of Somerville Ordinance Nos. 2019-19 and 2022-06



City of Somerville
Office of Housing Stability



We encourage you to read all of this informational material.

There are **2 sections** of information:

- ▶ *Tenant Resources*
- ▶ *Tenant Rights*

To help you understand your rights as a tenant or former homeowner and make sure you are aware of the many resources available if you are facing eviction, the Somerville Housing Stability Notification Act (HSNA), enacted in 2019, requires your landlord or the foreclosing owner to provide you with information when your tenancy or occupancy is being terminated. Amendments to the HSNA in 2022 also require landlords to provide a separate notice of rights and resources at the start of a new tenancy.

Although the City cannot provide legal advice, the Somerville Office of Housing Stability (OHS) is here to provide residents with information, advice, and assistance for your housing-related questions or needs.

Visit somervillema.gov/ohs, call us at 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral to speak with OHS staff. OHS staff members speak English, Spanish, Portuguese, and Hindi and use telephone interpreters for all other languages. (See Tenant Resources for more information.)

This is an important notice. This notice is available at somervillema.gov/ohs in Spanish, Portuguese, Haitian Creole, Nepali, and Traditional and Simplified Chinese. If you speak another language, please have it translated.

<p>Este es un aviso importante. Este aviso está disponible en los idiomas de español, portugués, criollo haitiano, nepalí, y chino tradicional y simplificado en somervillema.gov/ohs. Si habla otro idioma, por favor solicite que lo traduzcan.</p>	<p>Este é um aviso importante. Este aviso está disponível no somervillema.gov/ohs em espanhol, português, crioulo haitiano, nepali, e chinês simplificado e tradicional. Se você fala outra língua, por favor traduza.</p>
<p>Sa se yon avi enpòtan. Avi sa ap disponib an Espanyòl, Pòtigè, Kreyòl Ayisyen, Nepali, ak Chinwa Tradisyonèl ak Senplifye nan somervillema.gov/ohs. Si ou pale yon lòt lang, tanpri tradwi li.</p>	<p>यो महत्त्वपूर्ण सूचना हो। यो सूचना somervillema.gov/ohs मा स्पेनिश, पोर्चुगिज, हाईटियन क्रियोल, नेपाली, र परम्परागत तथा सरलीकृत चिनियाँ भाषामा उपलब्ध छ। यदि तपाईं अर्को भाषा बोल्नुहुन्छ भने कृपया यसलाई अनुवाद गर्नुहोस्।</p>
<p>这是一则重要通知。此通知已翻译成西班牙语、葡萄牙语、海地克里奥尔语、尼泊尔语、繁体中文和简体中文，并可以在 somervillema.gov/ohs 找到。如果您说另一种语言，请自行翻译。</p>	<p>這是一則重要通知。此通知已翻譯成西班牙語、葡萄牙語、海地克里奧爾語、尼泊爾語、繁體中文和簡體中文，並可以在 somervillema.gov/ohs 找到。如果您說其他語言，請自行翻譯。</p>

Tenant Resources

Facing eviction? We can help. All services are free.

If you are a Somerville resident, you may be eligible for help from the following agencies, regardless of immigration status. Income limits or other eligibility criteria may apply.

City of Somerville Office of Housing Stability

somervillema.gov/ohs

To access OHS services, call 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral.

OHS staff members speak English, Spanish, Portuguese, and Hindi and use telephone interpreters for all other languages.

Services include:

- Advice and information on housing issues
- Help resolving landlord/tenant matters, including evictions
- Referrals for legal services
- Help applying for rental assistance
- Help applying for affordable housing
- Tenant outreach and education



Legal Services

If you receive a Notice to Quit (the first step in an eviction proceeding), a Court Summons and Complaint, a 48-Hour Notice, or any other court papers related to your housing, get legal help as soon as possible. Free legal services are available for eligible low-income tenants through the agencies listed here, regardless of immigration status. Contact OHS if you need assistance with this.

- **Cambridge and Somerville Legal Services**
Call 617-603-2700
- **De Novo Center for Justice and Healing**
Call 617-661-1010
- **Harvard Legal Aid Bureau**
(closed for intake in the summer)
Call 617-495-4408

Rental Assistance

Need help paying your rent or moving and start-up costs? Financial assistance is available through the agencies listed here, regardless of immigration status. Income limits or other eligibility criteria may apply.



Community Action Agency of Somerville (CAAS)

Apply at caasomerville.org/hap-application or call 617-623-7370.



Somerville Homeless Coalition (SHC)

Apply at somervillehomelesscoalition.org/rapid-response or call 617-623-6111.



Metro Housing Boston – RAFT

Apply at metrohousingboston.org.



Need help with your rent but not sure where to start?

Call OHS at 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral.

Tenant Rights

Only a **COURT** can order you to leave your home. This is the most important thing to remember!

- If your landlord or the owner tells you or you get a notice that says you must leave your home, that does not mean you have to leave—whether you have a lease or not.
- You may choose to, **but you do not have to move** by the termination date in the Notice to Quit. We do **not** recommend that you just leave your home, especially if you have a voucher or other subsidy.
- There is a court process that must be followed to evict you, and financial and other help is available to try to prevent eviction before going to court.
- If you receive an eviction notice, **get legal help or contact the Office of Housing Stability (OHS) as soon as possible.** (See Tenant Resources and below.) Each individual eviction case is different, so please seek assistance.
- If you can show the court that you have applied for emergency rental assistance **and** your eviction is only for nonpayment of rent due to financial hardship, **State law** protects you from eviction while your rental assistance application is pending. (See Tenant Resources for where to apply, or contact OHS.)

Where can you get help with the eviction process?

- See Tenant Resources for a list of agencies that may help with eviction and related issues.
- OHS can refer tenants to an attorney or other important eviction resources such as rental assistance. Visit somervillema.gov/ohs, call us at 617-625-6600, Ext. 2581, or submit a referral form at bit.ly/OHS-Referral to speak with OHS staff. OHS staff members speak English, Spanish, Portuguese, and Hindi and use telephone interpreters for all other languages. There are some income limits and other eligibility requirements that apply in order to get legal representation.
- See MassLegalHelp.org for more information about the eviction process and for the Answer and other forms you 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. There are no income or other eligibility guidelines, but the Center's attorneys do not provide legal representation. Currently, services are in person (at 24 New Chardon Street, 2nd Floor, Boston) on Tuesday and

Thursday (8:30 – 1:00 and 2:00 – 4:30) and remote on Monday, Wednesday, and Friday from 9:00 – 12:00 (via Zoom at zoomgov.com/j/1615261140 or by calling 686-828-7666 and entering meeting ID 1615261140). Check mass.gov/guides/housing-court-resources for updated information.



Tenant Rights

What are the steps in an eviction and what do you need to do to be prepared?

Below are the usual steps in a typical eviction, but each individual eviction case is different, so please seek assistance. (See Tenant Resources.)

1. Notice to Quit

- In most cases, the landlord or owner provides you with a written Notice to Quit. It may be hand delivered, mailed, or sent by a constable or sheriff.
- The amount of notice will vary depending on the type of tenancy and why you are being evicted. In most cases, the notice will be for 7, 14, or 30 days, or a rental period.
- If you receive a Notice to Quit for nonpayment of rent, you have a **right to pay the money due by certain deadlines and prevent an eviction:**
 - ▶ If you are a tenant at will (no current lease), you have one chance in a 12-month period to pay the full amount owed within **10 days** from receipt of the Notice to Quit.
 - ▶ If you have a lease, you have a longer time (until the **Answer Date** set by the court) to pay the full amount of rent due plus interest and court costs (generally \$250 -\$275).
 - **Immediately contact** the listed agencies for help with back rent and legal assistance. (See Tenant Resources.)

2. Court Complaint

- If you do not pay the rent owed or you are being evicted for another reason, and you do not move by the end of the time period in the Notice to Quit or Notice of Nonrenewal, your landlord or the owner may file an eviction case in court.
- You will receive a court Summons and Complaint. It must be hand-delivered by a constable or sheriff OR left at your apartment and sent by first-class mail.
- A Somerville eviction case may be filed in Eastern Housing Court or Somerville District Court. (The court name will be listed in the upper left corner of the Complaint.)
- The Summons and Complaint will not list a trial date. For cases filed after June 4, 2023 in Housing Court and after June 19, 2023 in District Court, the clerk's office will notify your landlord or the owner with the date and details of the first court event. Your landlord or the owner will have a constable or sheriff hand deliver (or leave and mail) you a notice of the first court event, giving you at least 14 days' notice of that court date.
- The first court event is called a "Housing Specialist Status Conference" in Housing Court and a "Case Management Conference" in District Court. **Read carefully all court notices you receive.**
- Once your landlord or the owner files the Complaint with the court, you may search online at **MassCourts.org** to see important scheduling and other information about your case. You may also sign up for text message reminders about court events at **mass.gov/forms/civil-court-date-text-reminders**.
- If you have not already done so, **immediately contact** the listed agencies for help with back rent and legal assistance. (See Tenant Resources.)



Tenant Rights

3. Right to File an Answer and Other Documents

- You should file with the court and give your landlord (or landlord's attorney) an Answer by **3 business days** before the first court event (Housing Specialist Status Conference or Case Management Conference) unless otherwise ordered by the court. **Read carefully all court notices you receive.**
- The Answer explains any **defenses** or **counterclaims** you have to your landlord's claims for possession, any rent due, and any lease violations. Counterclaims are claims that you have against your landlord, such as bad conditions or mishandling a security deposit.
- If you do not file the Answer in time, you can ask the court for permission to file late by filing a Motion to Allow Late Answer and Counterclaims.
- You also have the right to file and serve Discovery Requests (requests for information from your landlord about the case) and a Demand for Jury Trial by the Answer deadline (generally 3 business days before the first court event).

For more information about these forms, see **MassLegalHelp.org** or **gbls.org/MADE**. Tenants should get legal help as soon as possible to fill out the Answer and other documents. (See Tenant Resources.)

4. Right to Transfer

- You have a right to transfer cases filed in Somerville District Court to Eastern Housing Court.
- You should talk to an advocate about whether to transfer your eviction case. For information on how to transfer a case see **MassLegalHelp.org**.

5. First Court Event

- The first court event is a Housing Specialist Status Conference or a Case Management Conference held by Zoom, on the phone, or in person.
- If you need a free, court-provided interpreter, **immediately contact the court clerk's office.**
- **If you do not appear on time at the conference you will "default"** (that is, your landlord or the owner will automatically win possession and any rent claimed due in the Complaint).
- At the conference, referrals to agencies for rental assistance and mediation may be provided. In Housing Court, there may be a Lawyer for the Day program to provide limited help to tenants and landlords without their own lawyer.
 - ▶ If you are being evicted only for nonpayment of rent, the nonpayment was due to financial hardship, and you show proof of a pending application for RAFT or similar rental assistance, the court should stop the eviction until there is a decision on the application.
- With help from a mediator and/or lawyer or on their own, the parties may sign a Court Agreement to resolve the case. **You should be very careful that you understand and can follow through on the terms of any Agreement, as it will be almost impossible to undo.** Again, try to get legal assistance before signing.
- If an Agreement is not reached, 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. **Read carefully all court notices you receive.**

Tenant Rights

6. Trial

- If the matter is not resolved at the conference or otherwise, there will be a trial. Both parties must attend the trial. A judge (or jury) will make a decision on your landlord or the owner's claims (for possession and any rent) and your defenses (and, if raised, counterclaims). In most cases, the trial will be held in person. The trial before a judge will generally be 14 days after the conference, and a jury trial will be at a much later date.
 - ▶ If you are being evicted only for nonpayment of rent due to financial hardship and show proof of a pending rental assistance application, the court should postpone the trial until there is a decision on the application.
- If you do not attend the trial on time, you will “default” and automatically lose the right to possession. You may file a Motion to Remove the Default and should immediately consult with an advocate about this process. (See Tenant Resources.)

7. Decision

- A decision about who gets possession of the apartment and any money due can be made through an Agreement, by the judge or jury after trial, or automatically by the court if either party defaults (does not appear before the court).

8. Right to Appeal

- If your landlord or the owner wins the right to “possession” of the apartment, you have **10 days to file a Notice of Appeal** (if there was a trial) or other motions.

9. Physical Eviction

- If your landlord or the owner wins the right to “possession” of the apartment and there is no appeal, the court will issue an Execution, which is the legal document that allows the constable or sheriff to physically evict you.
- The constable or sheriff must provide you with at least 48 hours written notice of the date and time that your belongings will be moved into a warehouse and the locks changed and must let you know the storage unit location and fees.
- If you receive a 48-Hour Notice, in some cases you may file a Motion to Stay Execution, asking the court to postpone your physical eviction. You will need to act very quickly, and the judge's decision will depend on a number of factors, including whether the eviction was your fault, whether there was an Agreement, and whether you can pay rent. For more information see **MassLegalHelp.org**. (See Tenant Resources.)

