



**NORTHEAST**

PUBLIC HEALTH TRAINING HUB

**Standard Operating Procedures for  
Local Boards of Health: Filing in  
Housing Court**

If a Housing Case remains non-compliant and the time frames listed in the order to correct have expired (and no extension was granted from a Board of Health Hearing), an inspector may utilize housing court to assist in achieving compliance. Examples of difficult situations that may warrant filing in court may include but are not limited to:

- Owner refusing to make certain repairs.
- Timeframes in the original Correction Order have passed and no proof of work to correct violations has been received.
- The occupant is refusing to allow reasonable access for an inspector to conduct an inspection / re-inspection.

It is important to note that while all Housing Court locations across Massachusetts share the same forms and generally similar proceedings related to Housing cases, not all Courts conduct filing procedures the same way or may prefer certain filings to be done slightly differently than others. **For this reason, it is strongly recommended that you contact the Housing Court serving your Municipality to better understand how they prefer filings to be completed to improve the efficiency of filing in court.** Even though they are unable to provide legal advice on a case you are involved with, Housing Court staff may be able to discuss procedural questions related to the proper use of forms.

## 1. Before Filing in Housing Court:

- Review the housing case with your supervisor and determine if housing court is the next best step.
- Call your Housing Court to see if you can file the case – Some locations require a City Solicitor or Town Counsel to file your case. Other locations may allow the Health Department Staff to file themselves. Ask if you can file as a member of the Health Department, or if they require your Solicitor/Counsel to file your case.
  - [Locations | Mass.gov](#) - MA Housing Court Website to locate your Housing Court and its phone number.
- If you can file yourself, it is recommended that you notify your City Solicitor/Town Counsel that you are doing so. That way, if the case progresses further to a point where you need them, they are in the loop already.

## 2. When filing in Housing Court, you can file either a Civil or Criminal Complaint:

Civil complaints are typically the preferred route by most courts. These complaints typically move quicker and are useful for serious violations with short deadlines. Additionally, they allow for the use of Mediation to gain compliance. The Health Department must serve the responsible party with notice about the hearing and provide proof of service to the court (*this is covered in more detail in Section 5: “After you have filed”*).

Criminal complaints result in harsher penalties on the responsible party and typically go directly in front of a judge or clerk magistrate. This type of complaint may be required for specific violations (i.e. Lead Paint violations). You may also convert a criminal case into a civil case once you appear in court. Criminal complaints typically take longer for you to get a court date, but the Court will provide the service for the court date to you and the party responsible for making repairs.

***If you are unsure of what type of filing is preferred by your Court – call them!***

- **When filing a Civil Complaint, you can use either of the two forms below.**
  - The first form you may complete is a “[Civil Contempt Complaint](#)”.
    - Ensure all fields are completed except for your signature. **Wait to sign this form until you are at the housing court with whoever you are filing with.**

- See *Appendix A for a Sample of the Civil Contempt Complaint form.*
  - The other form you may use instead is a “[Motion form](#)”. In the “Other” section of the Motion form write “Motion to enforce the State Sanitary Code – 105 CMR 410.000 Minimum Standards of Fitness...”.
    - See *Appendix E for a Sample Motion form for Filing a Civil Case*
- **If filing a Criminal Complaint** - A “Request for Criminal Complaint for Sanitary Code Violations” document must be completed.
  - **Wait to sign this form until you are at the housing court with whoever you are filing with.**
  - See *Appendix B for a Sample Criminal Complaint Form – you can copy and paste this info and then fill in where applicable. Your housing court may also have a Criminal Complaint form that you can use – if that is the case, use the form provided by the Housing Court.*
- If you are filing against the Owner, you must complete the form of your choosing for just the Owner. If you file against the Occupant, you must file against BOTH the Owner and Occupant and therefore file two separate forms.
  - You may also file against the Owner, and the Owner can then file against the occupant or request they appear at the Court date. Clarifying which approach is preferred with the Housing Court is strongly recommended.

### **3. Gather ALL relevant documents before filing. This should include:**

- The completed and unsigned Civil or Criminal complaint form you are filing
- A copy of the Correction Order and any subsequent orders or letters
- A copy of the Certified Mail receipts OR other proof of service
  - I.e. constable return of service documentation, or proof showing proper service of orders in accordance with 105 CMR 410.680(B).
- A summary of the Timeline of Events
  - This is a summary of events to give context to the case. Be detailed and include dates of the initial inspection, re-inspections and their results, and notes on or copies (i.e. emails) of correspondence with the Owner and/or Occupant.
  - The goal of your summary is to provide an overview of the case up to this point to show why you are filing, what violations remain uncorrected, and also help the court understand your efforts to remedy the violations and work with the property owner before you filed in court.
  - *A sample Timeline of Events can be found in Appendix C.*

- ☐ **Photos** taken during the initial inspection and any re-inspection(s) showing violations cited.
- ☐ Any documents related to the Housing Case that may include but are not limited to:
  - ☐ Pest Control Reports
  - ☐ Police Reports
  - ☐ Emails/written correspondence (i.e. texts, letters, etc.)
  - ☐ Images received from the Owner or Occupant
  - ☐ Correspondence or Letters from other Departments such as Building, Fire, etc.

Once all paperwork and relevant documents are gathered, it may be beneficial to call the Court to ensure the Clerk Magistrate or Assistant Clerk Magistrate will be available to assist you in filing the case. Depending on availability, or the staffing in the Court, these individuals may be temporarily unavailable due to being in court, on vacation, or out sick.

- If the Clerk Magistrate or Assistant Clerk Magistrate is not available – ask when they will be or ask if anyone else is available to file your case.

Another option is for the Health Department to file a Statement of Material Facts and potentially a Temporary Restraining Order. The Department can request that the civil complaint be with injunctive relief, whether preliminary or permanent. This may give the Health Department more leeway on how they want to enforce this order. This is typically used more often in emergency scenarios where a unit may be unfit for human habitation and can help relocate the Occupant. The Judge may then consider additional options like:

- ☐ Ordering tenancy preservation.
- ☐ Having the property go into receivership.
- ☐ Order the Owner to put tenants up in alternative housing.
- ☐ Issue guardianship over someone if found not to be of sound mind.

These forms can be found at: <https://www.mass.gov/lists/housing-court-forms>

- ☐ *A sample “Statement of Material Facts” form can be found in Appendix D*
- ☐ *A sample “Temporary Restraining Order” for Emergency Relocation of an Occupant can be found in Appendix E*

#### **4. Going to Housing Court**

- ☐ Before driving over - review your timeline of events in case the Housing Court has any questions on the information you are submitting. Ensure all paperwork is accurate and nothing is missing.

- Proceed to the Housing Court and ask to file your case. The Clerk Magistrate or Assistant Clerk Magistrate will review your paperwork and swear you in. If you file a civil complaint, an individual at Housing Court's front desk may be able to take your documentation. In either case, the person assisting you will provide a date and time-stamped copy of the form you are filing for your records.
- Whenever possible - bring a copy of all items being submitted to the court (i.e. all items listed under Section 3). The individual you file with typically will make copies of your documentation, however bringing an extra set for them will expedite the process and can help build a rapport with the Court.

#### **5. After you have filed:**

- If you **filed a Civil Complaint** – You are responsible for notifying parties via proper service. The court will provide you with the documents you need to serve upon the party you are filing against (i.e. the Owner and/or Occupant).
  - i. It is recommended to do this service via constable or sheriff as you will need to provide proof of service before the first court date (i.e. you are showing the court that the Owner was served notice of the complaint filed against them, which includes the date of the Court appearance they will attend). Once the constable gives you the proof of service, get it to the Court as soon as possible.
  - ii. The documents provided to you by the Court will have a date and time for the initial hearing. Make sure you block this off on your calendar.
- If you **filed a Criminal Complaint** – The Court will notify parties of a hearing date. This is typically done via mail and may take some time to receive, and you are not required to do anything in this instance after you file. Once you receive notice from the Court, make sure to block the date off on your calendar.

#### **6. Remember that filing in Court is not the final step of enforcement**

- Before the Court date – it is advisable to conduct a reinspection as close to the court date as possible. The same day as your court date is ideal, or the afternoon before your court date, but otherwise as close to the court date as possible.
  - Take updated pictures and document results of the re-inspection – be as detailed as possible regarding re-inspection notes.
- If all violations are corrected and re-inspected before the court date – you may choose to dismiss the filing.
  - This can be done by completing a Motion form and selecting “Dismiss this case”. In the description, note “all violations of 105 CMR 410.000 in the

Correction Order dated \_\_\_\_\_ have been re-inspected and were observed to have been corrected at this time.”

**7. When appearing for your Court date:**

- ☐ Review all documents beforehand to familiarize yourself with the case and any recent updates (i.e. reinspection results, documents from the owner).
- ☐ Be professional – arrive early, dress professional, investigate the court’s rules ahead of time (i.e. are electronic devices allowed inside the courthouse, proper identification, etc.)
- ☐ **Make sure you know what you want to ask of the Court.** During the hearing, the Court will ask what it is you want to achieve with your filing.
  - i. Identify the most pressing violations and request these be addressed first and addressed as soon as possible.
    - 1. Have an idea of when you would like to appear in court again in case you are asked. For example, is appearing again in 3 weeks for a status hearing on these repairs acceptable to you? Would you prefer 1 week or 2 weeks instead? Will you be able to conduct a re-inspection within that time period?
  - ii. Write down any other requests you would like to propose to the Court. This could include agreements between you and the owner, or between parties if both the owner and occupant are present.
    - 1. I.e. The owner agrees to have a building permit application submitted for repairs to be made by X date...

**Congrats! You have successfully filed in Housing Court!**





## **APPENDIX B: SAMPLE CRIMINAL COMPLAINT FORM**

*This can be copy & pasted into a word document and then completed.*

### **REQUEST FOR CRIMINAL COMPLAINT FOR STATE SANITARY CODE VIOLATIONS**

To any Justice or Clerk Magistrate of the Northeast Housing Court:

**[Insert your name, title and municipality]** \_\_\_\_\_  
on behalf of the Commonwealth, on oath complains that:

**[Property Owner Name]** \_\_\_\_\_  
was and is the owner of residential premises located at:

**[Address where Violations Cited]** \_\_\_\_\_

On **[Date of Initial Inspection]**, **[Year]**, a representative of the  
**[Insert your organization – I.e. Town/City Health Department]** Program inspected the said premises and  
determined that the dwelling did not comply with the provisions of Article II of the State Sanitary Code, 105 C.M.R.  
§410.000;

On **[Date Correction Order was Received by Owner]**, **[Year]**, pursuant to §410.670-680 of the Code, the  
defendant was served with a written order to comply;

On **[Date Violations were past due for Correction – Use correction order timeframes]**, **[Year]**, and from day to  
day thereafter the defendant has failed to comply with the order, each such day being a separate offense and a  
separate and distinct count of this complaint;

all in violation of State Sanitary Code, 105 C.M.R. §410.910 -.920, and public health law, Gen.L. c.111 §127A, and  
the defendant did so willfully, intentionally, recklessly or repeatedly.

**[Leave Blank]** \_\_\_\_\_ **[Leave Blank]** \_\_\_\_\_  
Date Complainant

Assigned for hearing on \_\_\_\_\_, at \_\_\_\_\_ o'clock

On hearing [Complaint] [Defendant] [both parties] [neither party], I find no probable cause for the complaint.  
Process shall not issue.

On hearing [Complaint] [Defendant] [both parties] [neither party], and Complainant having sworn or affirmed that  
the Complaint is true upon information and belief, I find probable cause, and order summons to issue returnable  
\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk Magistrate

## **Appendix C – SAMPLE TIMELINE OF EVENTS**

### **Timeline of Events – 123 Main Street**

Occupant: Grum Py

Owner: Leis Zman

Complaint received on January 2<sup>nd</sup>, 2024 at 10:37am. Alleged mice issues, and issues with windows. Scheduled inspection with Occupant for January 3<sup>rd</sup> at 10:00am.


- January 3<sup>rd</sup> – Inspection at 10:00am. Occupant did not request comprehensive inspection. Inspection noted windows issues in multiple rooms. Mice droppings were noted in living room and kitchen, and a dead mouse was noted under the sink. One smoke alarm in the living room was also noted to not be working when tested.
  - Contacted Owner upon returning to office about smoke alarm and mice issue. Informed Owner that a licensed pest control (LPC) company needs to treat unit and smoke alarm needs to be addressed ASAP.
- Order to Correct sent out on January 4<sup>th</sup>, 2024.
- Certified Mail return receipt dated January 6<sup>th</sup>, 2024 received.
  - Contacted Occupant – Reinspection scheduled for January 7<sup>th</sup> at 9am.
- January 7<sup>th</sup> – 9am inspection noted smoke alarm repaired but no LPC had been on site per occupant.
  - Contacted Owner after inspection at 10:30am – Owner does not want to get LPC. Explained to Owner that since it is a 5 unit building they are required to.
- January 9<sup>th</sup> – Occupant called to complain about mice issue. No contact from Owner.
- January 12<sup>th</sup> – Timeframes for windows lapsed. Reinspection coordinated with occupant for January 14<sup>th</sup> at 9am.
  - Reinspection January 14<sup>th</sup> at 9am noted no repairs done to windows and no LPC appears to have been to the unit. Occupant reports no LPC came. No report received from Owner.
  - Called Owner after inspection at 11am – Owner again refused to get LPC. Stated windows are fine and is not going to fix them. Informed Owner that I will file in court unless confirmation from LPC received by tomorrow.
- January 13<sup>th</sup> – No response from Owner.
- January 14<sup>th</sup> – Filed in Housing Court against Owner.

Statement of Material Facts Link - <https://courtforms.jud.state.ma.us/publicforms/HC0010>

HC0010 [www.mass.gov/courts](http://www.mass.gov/courts) Date/Time Printed: 03/11/2025 09:50:55 Page 1 of 1


## **APPENDIX E: SAMPLE TEMPORARY RESTRAINING ORDER (TRO)** **FORM (FOR EMERGENCY RELOCATION OF OCCUPANT)**

TRO Link - <https://courtforms.jud.state.ma.us/publicforms/HC0004>

<b>Commonwealth of Massachusetts HOUSING COURT DEPARTMENT OF THE TRIAL COURT</b>		
Essex, SS:	DIVISION (select court)	
	Civil Action No.	
<hr/>		
City of Salem Health Department, 98 Washington Street STE 3, Salem MA 01970	VS.	Mr. Property Owner, 123 Main Street, Problemtown MA 00000
PLAINTIFF(S)		DEFENDANT(S)
<b>APPLICATION FOR TEMPORARY RESTRAINING ORDER</b>		
<p>Based upon specific facts set out in the Affidavit or the Verified Complaint filed with the Clerk of this Court, I request that the Court order the defendant(s) to desist and refrain from:</p> <p><b>Allowing the occupant of 120 Main Street, Problemtown MA 00000 to reside in this residence due to the severity of violations documented in the attached Order to Correct dated January 6, 2025. We are also requesting the occupant be placed in alternative housing that meets the State Sanitary Code requirements (105 CMR 410.000 Minimum Standards of Fitness for Human Habitation, State Sanitary Code Chapter II) until repairs can be made and re-inspected.</b></p> <p>I request that the Court specifically waive the requirement of Rule 65(c) of the Massachusetts Rules of Civil Procedure that I provide security for the issuance of the above Order(s) for the reason(s) that:</p> <p><b>The violations observed and documented in the Order to Correct dated January 6, 2025 show conditions deemed to endanger the safety and well-being of the occupant. Failure to remove the occupant from this residence poses immediate risk of injury and/or harm to the occupant.</b></p> <p>I understand that the temporary restraining order(s) expires in <b>ten (10) days</b> and will not be extended unless during that 10 day period, good cause is shown to the Court or the party(s) against whom the order(s) is (are) made consents to an extension.</p> <p>Signed and sworn to under the pains and penalties of perjury this <b>6th</b> day of <b>January</b>, 20<b>25</b>.</p> <p>before _____ Clerk.</p> <p style="text-align: center;">(City of Town)      (Zip Code)      (Tel. No.)</p> <p style="text-align: right;">_____ (Signature of Applicant)</p> <p style="text-align: center;"><b>98 Washington Street Ste 3</b> (Street Address)</p> <p style="text-align: center;"><b>City of Salem/Northeast Housing Hub Trainer</b> (City of Town)      (Zip Code)      (Tel. No.)</p>		
<b>GRANT OF TEMPORARY RESTRAINING ORDER(S)</b>		
<p>It clearly appears from the specific facts set out in the Affidavit or the Verified Complaint filed with the Clerk of this Court that immediate and irreparable loss or damage will result to the above referred to Plaintiff(s). Accordingly, at _____ o'clock _____</p> <p>This day _____ day of month _____, 20____, the above referred to Defendant(s) and the employees and agents of the Defendant(s) and each and every one of them, are ordered to desist and refrain from:</p> <p>This temporary restraining order automatically expires ten days from the date and time it is granted but it may be renewed in the form of a preliminary injunction if the plaintiff(s) so requests after notice to the defendant(s). Upon two days notice to the plaintiff(s), the defendant(s) may apply to the Court to dissolve or modify the temporary restraining order.</p> <p>For good cause shown, I order that no security be given by the plaintiff(s) for the issuance of these Orders, I order the following security be given by the plaintiff(s) for the issuance of these Order(s):</p>		
<b>NOTIFICATION PARA LAS PERSONAS DE HABLA HISPANA: SI USTED NO PUEDE LEER INGLES, TENGA ESTE DOCUMENTO LEGAL TRADUCIDO CUANTO ANTES.</b>		
_____ JUSTICE		

## Appendix F: SAMPLE "MOTION" FORM FOR FILING CIVIL CASE

Motion Form Link - <https://courtforms.jud.state.ma.us/publicforms/HC0007>

 <b>MASSACHUSETTS TRIAL COURT</b>	<b>MOTION</b>
<b>HOUSING COURT DIVISION NORTHEAST DIVISION</b>	<b>DOCKET NUMBER</b>
<b>CASE NAME</b> <i>(Named parties should be listed exactly as they appear on the Complaint filed.)</i> [In Matter of] <b>City of Salem Health Department, 98 Washington Street STE 3, Salem MA 01970</b> [v.] <b>Mr. Property Owner, 123 Main Street, Problemtown MA 00000</b>	
<b>Plaintiff</b> _____ in this matter request(s) that this Court:  <input type="checkbox"/> Change the terms of the agreement or judgment (amend); <input type="checkbox"/> Change the hearing date to a later time (continue); <input type="checkbox"/> Dismiss this case; <input type="checkbox"/> Delay the scheduled move out (stay execution); <input checked="" type="checkbox"/> Other; <u>Motion to enforce the State Sanitary Code, 105 CMR 410.000 Minimum Standards of...</u>	
For the following reason(s): (If you need additional space, include additional pages as needed). <b>On January 5, 2025 an inspection was conducted of 120 Main Street, Problemtown MA which noted violations of 105 CMR 410.000 "Minimum Standards of Fitness for Human Habitation - Chapter II Sanitary Code".</b>  <b>An Order to Correct dated January 6, 2025 was sent to Mr. Property Owner with timeframes for corrections to be made to gain compliance with 105 CMR 410.000. As of today, these violations remain outstanding and have not been corrected. No proof has been provided showing that these will be corrected in the near future, and therefore we are asking the Court to enforce the Order to Correct dated January 6, 2025.</b>	
<i>A copy of this form must be served upon the opposing party(ies).</i> <b>Subscribed and sworn under the pains and penalties of perjury.</b>  <b>Stephen Casey Jr. - Health Inspector</b> _____ PRINTED NAME OR REPRESENTED'S ATTORNEY BBO # (ATTORNEYS ONLY)  <b>x</b> _____ <b>March 11, 2025</b> SIGNATURE OR SIGNATURE OF ATTORNEY DATE  CONTACT INFORMATION: <u>contactme123@gmail.com</u> (E-MAIL AND PHONE NUMBER)  <u>98 Washington Street Ste 3, Salem MA 01970</u> (ADDRESS)  I _____ a copy of this motion on _____ to _____ DATE OPPOSING PARTY OR ATTORNEY NAME	

## **Northeast Public Health Training Hub - Housing Court Locations**

1. Northeast Housing Court – Salem Session  
56 Federal Street, Salem MA 01970  
(978) 825 4920 | Monday – Friday, 8:30am – 4:30pm  
SERVES: **Beverly, Danvers, Essex**, Gloucester, **Hamilton**, Ipswich, Lynnfield, Manchester-by-The-Sea, **Marblehead, Middleton, Peabody, Rockport, Salem, Swampscott, Topsfield**, and **Wenham**.
2. Northeast Housing Court – Lynn Session  
56 Federal Street, Salem MA 01970  
(978) 825 4920 | Monday – Friday, 8:30am-4:30pm  
SERVES: **Lynn, Nahant**, and Saugus
3. Northeast Housing Court – Woburn Session  
200 Trade Center, Woburn MA 01801  
(978) 656 7600 | Thursday 8:30am-4:30pm  
SERVES: Bedford, Burlington, Concord, Everett, Lexington, Lincoln, **Malden, Melrose**, North Reading, Reading, **Stoneham, Wakefield**, Waltham, Watertown, Weston, Wilmington, **Winchester**, and Woburn.
4. Eastern Housing Court – Middlesex Session  
175 Fellsway, Somerville, MA 02145  
(617) 788 8485 | Fridays 8:30am  
SERVES: Arlington, Belmont, Cambridge, **Medford**, Newton, and Somerville.
5. Northeast Housing Court – Lawrence Session  
2 Appleton Street, 2<sup>nd</sup> Floor, Lawrence MA 01840  
(978) 689 7833 | Monday – Friday, 8:30am-4:30pm  
SERVES: **Amesbury**, Andover, **Boxford, Georgetown, Groveland**, Haverhill, Lawrence, **Merrimac**, Methuen, **Newbury, Newburyport**, North Andover, **Rowley**, Salisbury, and **West Newbury**.

**As a note:** If you need to file in Housing Court and it is outside of the day(s) listed on the Court's website, there will typically be another Court that can assist you in filing. This could be a District Court or a different Housing Court location. It is recommended to call your Housing Court and see which other location you should utilize in this scenario.

## **Full Hyperlinks included throughout this document**

### **Section 1: Locations of Housing Courts**

<https://www.mass.gov/orgs/housing-court/locations>

### **Section 2: Civil Complaint Forms**

*Civil Contempt Complaint Form* <https://courtforms.jud.state.ma.us/publicforms/HC0002>

*Motion Form* - <https://courtforms.jud.state.ma.us/publicforms/HC0007>

**Section 3: All Housing Forms** - <https://www.mass.gov/lists/housing-court-forms>