

**TRIAL COURT OF MASSACHUSETTS
HOUSING COURT DEPARTMENT**

**FIRST AMENDED STANDING ORDER NO. 1-20: IMPLEMENTATION OF
MANDATORY ELECTRONIC FILING FOR ATTORNEYS IN CERTAIN
CASE TYPES**

Consistent with Rule 1 of S.J.C. Rule 1:25, Massachusetts Rules of Electronic Filing (“E- Filing Rules”), the Housing Court Department of the Massachusetts Trial Court hereby adopts this Standing Order, implementing mandatory electronic filing (e-filing) for attorneys in the case types identified in Section B. As additional e-filing capabilities become available, this Standing Order may be further amended to implement those additional capabilities.

A. Governing Rules and Orders.

1. Filers who e-file documents through the e-filing service provider (“Provider”), on the Massachusetts Court System Odyssey File and Serve Site (“eFileMA.com”) shall comply with the E-Filing Rules, the Massachusetts Rules of Civil Procedure, the rules governing time standards and case management, and all other applicable Trial Court and department rules and standing orders.
2. To the extent that any Massachusetts Court Rules and Orders, as defined in the E-Filing Rules, are inconsistent with this Standing Order, the E-Filing Rules and this Standing Order shall control. *See generally* E-Filing Rules, Rules 1(a) & 2.

B. Applicability of Standing Order. On and after the effective date of this Standing Order as set forth in Section M, this Standing Order applies to the following case types in any division of the Housing Court Department: **Summary Process, Small Claims, and Civil.**¹ For any party whose Summary Process, Small Claims, or Civil case type was filed before this Standing Order’s effective date and who is represented by an attorney, the attorney *must* register for e-filing at eFileMA.com and, thereafter, e-file any documents according to the E-Filings Rules and this Standing Order. Anyone who is a party to a Summary Process, Small Claims, or Civil case type and who is not represented by an attorney *may*, and is urged to, register for e-filing at eFileMA.com and e-file case documents as permitted by the E-Filings Rules and this Standing Order.

C. Mandatory Attorney Registration for E-Filing and Service. All attorneys representing parties in any division of the Housing Court Department after the effective date of this Standing Order shall register for e-filing at eFileMA.com. Please see E-Filing Rules, Rule 3(d)(1) for the effect that registering for e-filing will have on cases in court departments other than the Housing Court Department. Registration shall not constitute a notice of appearance in any case. During the

¹ Summary Process case types include “SP” in the docket number; Small Claims case types include “SC” in the docket number; and Civil case types include “CV” in the docket number.

registration process, each attorney must provide the attorney's Board of Bar Overseers Number and email address. Each attorney registrant must maintain the attorney's contact information, including email address, on the eFileMA.com "Service Contacts Public List."

D. Mandatory Attorney E-Filing in the Housing Court. Except as set forth in Sections E, H, and I, all documents filed by an attorney in Summary Process, Small Claims, or Civil case types shall be e-filed using eFileMA.com. A document filed using the eFileMA.com system exclusively constitutes "e-filed" as used herein.

E. Exemption from Mandatory Attorney E-Filing and Permission to File Paper Original.

1. An attorney who is required to e-file documents under this Standing Order may request to be excused from these requirements pursuant to section E (2). below. If a party files a request for exemption from mandatory e-filings by "conventional methods," as defined in E-Filing Rules, Rule 2, and makes a showing of undue hardship, significant prejudice, exigency, or other good cause, the Clerk-Magistrate in the respective Division of the Housing Court Department may grant that party an exemption from the mandatory e-filing requirements under the E- Filing Rules and this Standing Order. A showing of undue hardship, significant prejudice, exigency, or other good cause does not include the inability to pay fees for e-filing, as fee waivers may be requested if the party otherwise qualifies for, or has been granted, a fee waiver in accordance with Massachusetts law or court rules. A Clerk-Magistrate's decision on an exemption request made pursuant to this section shall be final.²

2. The exemption from the mandate of e-filing applies only to the case in which the request for exemption from mandatory e-filings was allowed. An attorney whose request for exemption from mandatory e-filings was allowed shall file documents by conventional methods and shall deliver and receive copies of filed documents to and from other parties by conventional methods. An attorney whose request for exemption from mandatory e-filings has been allowed must provide a copy of the Clerk Magistrate's decision granting the request to all parties in that case.

F. Requests to Waive Provider Fees. Pursuant to S.J.C. Rule 1:25, upon request, the Housing Court shall waive the e-filing fees in cases where an attorney demonstrates that he or she represents an indigent party, as set forth in G. L. c. 261, §§ 27A-27G. In requesting such waiver, the attorney shall file an "Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," and a "Supplement to Affidavit of Indigency and Request for Waiver, Substitution or State Payment of Fees & Costs," if required, through eFileMA.com, on behalf of the client, and select the "waiver" Payment Account in the Fees section of eFileMA.com.

G. Emergency filings and requests for immediate attention. E-filed documents will be

² The Clerk-Magistrate, in his or her discretion and on a case-by-case basis, may give special consideration to cases or filings that include excessive exhibits or are otherwise voluminous.

processed by the clerk's office as soon as reasonably possible, but filers should expect that most e-filed documents may not be reviewed and accepted immediately. The court retains discretion to review emergency requests for scheduling purposes (*e.g.* assessing the court's availability, setting hearing dates, and determining the order for calling the daily list). For emergency motions or other matters of an urgent nature—for instance, requests for emergency equitable relief such as temporary restraining orders—the filer must alert the court in the following three ways:

1. On eFileMA, in the space labeled "Filing Description," the filer must type in all capital letters "EMERGENCY FILING" or "IMMEDIATE REVIEW REQUESTED," as applicable, as the first words of the description.
2. The top of the first page of the e-filed document must state, in boldface type, "Emergency Filing," or "Immediate Review Requested."
3. The filer must call the clerk's office and alert the court to the emergency filing.

H. Impounded Documents in eFileMa.com. All attorneys who use the eFileMA.com system to file impounded documents in Summary Process, Small Claims, and Civil case types in the Housing Court shall comply with S.J.C. Rule 1:25 and Housing Court Standing Order 1-15.

I. No Paper Duplicates; In-Court Filings; and Time to Review.

1. All documents that are e-filed shall be submitted electronically only. Neither a paper original nor duplicate shall be filed unless specifically requested by the Court.
2. Documents that are filed during a court proceeding that is being held after the case has been initiated do not have to be e-filed. An attorney who files a document during a court proceeding must bring paper copies of the document for delivery to the other parties during the court proceeding. When documents are filed during a court proceeding the Clerk-Magistrate, or his or her designee, must scan those documents into an electronic format.
3. Presiding clerks or judges shall have discretion to continue the matter in order for the Court to have ample opportunity to review e-filed or other documents.

J. eSummons and Affidavit of Compliance with eFiling. In the Summary Process case type, the [Affidavit of Compliance](#) shall continue to be filed with the entry of the action, regardless of whether the Summons and Complaint was purchased electronically (eSummons) or in paper form with a raised seal. In a case in which the Summons and Complaint was purchased in paper form with a raised seal, the original Summons and Complaint shall be filed with the Court by the trial date by "conventional methods" as defined in E-Filing Rules, Rule 2.

In the Civil case type, where an eSummons was purchased and served upon the defendant(s),

the [Affidavit of Compliance](#) shall be filed with the Court along with the return of service as required by Mass. R. Civ. P. Rule 4.

K. Service. All e-filed documents shall be served on the other party (parties) in accordance with the E-Filing Rules.

L. Notice from Provider. The eFileMA.com system will transmit electronic notifications (i) when an e-filed document is submitted, (ii) when the Clerk's Office accepts or rejects the document, and (iii) possibly at other times as determined by the Provider. All attorneys and parties who use the e-filing system shall monitor their registered e-mail address for communications from the Provider.

M. Support. All technical support shall be rendered by the Provider. The appropriate Clerk's Office may be contacted with procedural questions.

N. Transfers under G. L. c. 185C, § 20. If an attorney seeks to transfer a Summary Process, Small Claims, or Civil case type into the Housing Court pursuant to G. L. c. 185C, § 20, that attorney shall file by conventional methods a Notice of Transfer in the appropriate division of the Housing Court as well as in the original court. Except as provided in Section E, once the Housing Court receives the case from the originating court and assigns it a Housing Court docket number, all subsequent filings made therein by an attorney shall be e-filed.

O. Effective Date. This First Amended Standing Order shall become effective on **November 1, 2024**, and shall repeal and replace Standing Order 1-20, which became effective on January 27, 2020.

P. Future Changes and Updates. This Standing Order may be rescinded, superseded, or amended, in writing, at any time.

SO ORDERED.

/s/ Diana H. Horan
Chief Justice

Last Updated: September 26, 2024
Effective: November 1, 2024