

**TRIAL COURT OF MASSACHUSETTS
HOUSING COURT DEPARTMENT**

**STANDING ORDER 2-20: TEMPORARY MODIFICATIONS TO COURT
OPERATIONS ARISING FROM THE CORONAVIRUS (COVID 19) OUTBREAK**

Given the evolving, yet uncertain, nature of the coronavirus (COVID-19) outbreak and the public health concerns arising therefrom, the Chief Justice of the Housing Court Department hereby promulgates this Administrative Order, pursuant to his statutory authority and responsibility for the administration of justice. *See* G.L. c. 211B, § 10 and G.L. c. 185C, § 8A. Consistent with the Trial Court’s goal in slowing the spread of the virus, and considering the recommendations by the Center for Disease Control (CDC) and from state health officials, the Housing Court’s aim during this time is twofold: (1) where practicable, to reduce the number of people who come to each courthouse where Housing Court business is conducted; and (2) to promote “social distancing,” thereby minimizing the risk of exposure to court staff and litigants.

Effective immediately, all Housing Court divisions shall remain open during regular business hours, subject to the below modifications. The First Justice and Clerk-Magistrate of each division shall collectively exercise their discretion in the scheduling of matters in satellite sessions, which may include rescheduling matters to be heard at the division’s main location. This Order is temporary and is subject to be modified or rescinded at any time, as necessary to address the fluctuating circumstances arising from the coronavirus pandemic.

1. Effective immediately, all non-emergency court events, including but not limited to, summary process cases, small claims matters, civil matters, ticket appeals, supplementary process proceedings, probable cause hearings, and criminal matters, shall be scheduled for, or continued to, a date no earlier than April 21, 2020. A party may seek to advance its court event, upon filing a motion and by making a showing of good cause. Where practical, such motion shall be electronically filed (“eFiled”) through the eFiling system.
2. Effective April 22, 2020, the opening speech and “the call of the list” conducted during summary process sessions are suspended.
3. All parties are encouraged to reach an agreement for judgment outside of court before the first court appearance¹. All out-of-court agreements for judgment should be eFiled or sent to the court by First-Class Mail.
4. If an out-of-court agreement for judgment is filed with the court and all of the parties are represented by counsel, the agreement will be accepted and approved by a housing specialist, clerk, or judge. If one or more parties are self-represented, the agreement will be referred to a housing specialist for review with the self-represented litigant(s), which may be done telephonically. Cases in which an agreement is not approved will be scheduled for trial or hearing on a non-summary process day and at a time deemed appropriate by the Clerk-Magistrate, but in no event earlier than April 21, 2020. Where possible, attorneys and litigants shall provide the Clerk’s Office with their respective contact information, including an e-mail address and telephone number.

¹ Parties may seek the assistance of a housing specialist by contacting the housing court department. A listing of the court’s contact information may be found online: https://www.mass.gov/orgs/housing-court/locations?_page=1

5. Self-represented litigants who are not required to eFile as set forth in Housing Court Standing Order 1-20 are encouraged during this time to eFile or send to the court by First-Class Mail all correspondence.
6. Clerks shall stagger the scheduling of court events (*e.g.*, 9 a.m., 11 a.m., 2 p.m.), including in summary process cases, and maintain flexibility in the (re)scheduling of cases, where appropriate.
7. Effective immediately, all site inspections and views conducted by the Housing Specialist Department are suspended.
8. Any default judgment entered between March 1, 2020, and April 21, 2020, shall be vacated, upon motion. On or after April 21, 2020, judges may exercise flexibility and discretion in vacating default judgments and in granting continuances, as may be required in the interest of the health and safety of the parties and the general public.

SO ORDERED.

/s/ Timothy F. Sullivan
Timothy F. Sullivan
Chief Justice, Housing Court Department

Date: March 13, 2020