

SUPREME JUDICIAL COURT

Boston, Massachusetts 02108

NOTICE OF APPROVAL

Notice is hereby given that the Supreme Judicial Court has approved and promulgated rules as further indicated below.

Barbara A. Lenk
Acting Chief Justice

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1. Court Submitting Rules for Approval:
Trial Court
 2. Date Rules Submitted for Approval:
October 1, 2020
 3. Date Approved & Promulgated by the Supreme Judicial Court:
October 5, 2020
 4. Rule or Rules, or Amendments Thereto, Approved and Promulgated:
Suspension of Certain Provisions of Trial Court Rule I:
Uniform Summary Process Rules, as described in the attached
letter from Chief Justice Carey dated October 1, 2020.
 5. Effective Date:
October 5, 2020

(The original of this notice is to be filed in the office of the Clerk of the Supreme Judicial Court for the Commonwealth, and a copy to be sent by the Clerk to the court which requested approval of the rules.)



**THE TRIAL COURT OF MASSACHUSETTS
EXECUTIVE OFFICE OF THE TRIAL COURT**

John Adams Courthouse
One Pemberton Square, 1M
Boston, MA 02108

Paula M. Carey
Chief Justice of the Trial Court

Jonathan S. Williams
Court Administrator

October 1, 2020

The Honorable Frank M. Gaziano
Chair of the Rules Committee
Supreme Judicial Court
John Adams Courthouse, Suite 2200
One Pemberton Square
Boston, MA 02108

Re: Trial Court Emergency Administrative Order 20-13: Trial Court Order Suspending Certain Provisions of Trial Court Rule I: Uniform Summary Process Rules

Dear Justice Gaziano:

I am submitting for approval the attached proposed Trial Court Emergency Administrative Order 20-13: Trial Court Order Suspending Certain Provisions of Trial Court Rule I: Uniform Summary Process Rules. Although the Supreme Judicial Court does not ordinarily approve Trial Court administrative orders, I am submitting this proposed order to the Rules Committee because it would temporarily suspend certain provisions of a Trial Court rule, and Trial Court rules are subject to SJC approval. Specifically, the purpose of the proposed order is to temporarily suspend the Uniform Summary Process Rules to the extent that they are inconsistent with standing orders that the Housing Court, District Court, and Boston Municipal Court (BMC) intend to issue to facilitate handling the large volume of new summary process cases that will likely be filed after the expiration of the Governor's moratorium on evictions, which is set to occur on October 17, 2020.

The standing orders to be issued by the Housing Court, District Court, and BMC will temporarily modify the procedures established in the Uniform Summary Process Rules to give the courts and the parties more flexibility in case scheduling, which will be especially helpful because most cases will be handled virtually due to the COVID-19 pandemic. Most significantly, these standing orders will change the first court date from a trial date to a status conference date, with the trial date to be scheduled no earlier than 14 days after the status date. The Uniform Summary Process Rules currently require the landlord to complete and serve on the tenant a uniform summons and complaint that fixes the trial date as the first court date pursuant to Summary Process Rule 2. Under the proposed departmental standing orders, however, the first court date will be established by the court, and it will be used by the court for a status conference to assess the case, connect the parties to resources for legal assistance, rental assistance, and other services, and to explore possible mediation of the case. The parties can also agree to continue, or the court may continue, the trial date to apply for rental assistance and to continue mediation. The proposed standing

orders would also allow defendants more time to file answers and counterclaims than is permitted under Uniform Summary Process Rules 3 and 5, and allow more time for the parties to submit discovery requests than is permitted under Uniform Summary Process Rule 7.

We believe that the procedures that will be established in the standing orders will enable the Housing Court, District Court, and BMC to process the anticipated wave of summary process cases more efficiently while allowing the parties more time and flexibility to connect with support resources and to explore alternative dispute resolution. Accordingly, I am asking for the Supreme Judicial Court's approval of the Trial Court's administrative order temporarily suspending the Uniform Summary Process Rules to the extent that they are inconsistent with the provisions of the standing orders.

Sincerely,

A handwritten signature in black ink, appearing to read "Paula M. Carey". The signature is written in a cursive style with a large initial "P" and "C".

Paula M. Carey
Chief Justice of the Trial Court

cc: The Honorable Barbara A. Lenk, Supreme Judicial Court
Christine Burak, Esq.

Enc.

Trial Court Emergency Administrative Order 20-13
Trial Court Order Suspending Certain Provisions of
Trial Court Rule I: Uniform Summary Process Rules
Effective October 18, 2020

Introduction

On April 20, 2020, in connection with the Governor's COVID-19 emergency declaration, the Governor signed into law *An Act providing for a moratorium on evictions and foreclosures during the COVID-19 Emergency* (the "moratorium"), which suspended most residential and small business commercial evictions, as well as residential foreclosures in Massachusetts. The moratorium also prohibits Massachusetts courts from taking certain actions in non-essential eviction cases, including (i) accepting filings of writs, summonses or complaints; (ii) entering judgments or default judgments for plaintiffs for possession of residential dwelling units or small business premises units; (iii) issuing executions for possession of residential dwelling units or small business premises units; (iv) denying stays of execution or continuances of summary process cases; and (v) scheduling court events in summary process cases, including summary process trials. On July 21, 2020, the Governor extended the moratorium until October 17, 2020.

Departmental standing orders

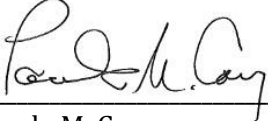
In light of the anticipated expiration of the moratorium on October 17, 2020, the Chief Justices of the Housing Court, District Court, and Boston Municipal Court departments each issued a standing order outlining procedures applicable in their respective court departments for summary process (eviction) cases. In an effort to accommodate the significant influx of summary process cases that will proceed in the Trial Court following the expiration of the moratorium, and to provide opportunities for landlords and tenants to access resources, the departmental standing orders will contain some provisions that are inconsistent with Trial Court Rule I: Uniform Summary Process Rules.

Suspension of inconsistent provisions of Trial Court Rule I: Uniform Summary Process Rules

Accordingly, it is hereby ORDERED, pursuant to my authority as set forth in G.L. c. 211B, § 9, that to the extent any provisions of Trial Court Rule I: Uniform Summary Process Rules are inconsistent with the individual standing orders issued by the Chief Justices of the Housing Court, District Court, and Boston Municipal Court departments, those provisions of Trial Court Rule I: Uniform Summary process Rules are suspended until further order.

This Emergency Administrative Order is effective as of October 18, 2020 and will remain in effect until further order. This Emergency Administrative Order is temporary and may be modified or rescinded at any time, as necessary to address the fluctuating circumstances arising from the COVID-19 pandemic.

Dated: October 5, 2020
Effective: October 18, 2020



Paula M. Carey
Chief Justice of the Trial Court