

# **Filing for an emergency stay of eviction during the physical closure of courts**

The courts are still accepting electronic filings. Anyone can do an electronic filing but you have to set up an account.

## **1. Creating an Account**

If you type into your search engine: “Mass Courts e-file”, you can get yourself to the e-filing system run by Odyssey (or, click this link: <https://efilema.tylerhost.net/ofswweb#>).

The registration is straight-forward: follow the directions and create an account for yourself.

Before you can file anything you will need to create a payment account. This is in the upper right-hand corner. There’s a dropdown menu for actions. Create a payment account: the first thing that will come up is a window to enter credit card information. If you qualify as indigent under the court indigency standards (the most straight forward thing being if you have Mass Health), you can X out that window (upper righthand corner) and when you get to ‘mode of payment’, one of the options is waiver.

This will set up your e-file account.

## **2. Waiver based upon Indigency**

The first time you use your e-file account: if you choose waiver, you will need to include an affidavit of indigency. Links to this document is on MAAPL’s website (<http://maapl.info/where-to-get-help/online-legal-resources-list/>). ONLY DO A or B or C. Do not pick more than one basis of indigency.

Fill in on the second page under “regular fees”, “other” at end of that section – “\$6” and for “efiling fees”. Print, date, sign and scan back in for use with your filing.

## **3. Write a Motion for Emergency Stay of Execution**

Next, you’ll have to file a motion requesting a stay. At this point, the motion for stay can be done on a standard blank motion form, which is also on MAAPL’s website (<http://maapl.info/where-to-get-help/online-legal-resources-list/>). Fill in the top with the information

from any motion that has been filed in your case by the lawyers. Also, complete the certificate of service at the bottom. You must include the lawyer information identified there. The title will be a “Motion for Emergency Stay of Eviction”.

The content will be you, the “Defendant”, requesting an emergency stay of an eviction on XXX date & time at XXX address. Delete “statement of facts” and “standard of review” unnecessary for this purpose.

You can quote directly the Housing Court’s own directive: “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.”

Write that you need such an emergency event to stop an eviction and to please decide it on the “pleadings”. Provide your number so the Court can call you.

You will need to attach the actual eviction notice itself because the court is not notified of when evictions are scheduled and has no way of knowing when they are carried out until long after they are carried out and the paper work is filed as a receipt at the court.

Once an execution has been issued in a court that does summary process/eviction cases, that court has no knowledge of when a landlord or post-foreclosure purchaser uses that execution to attempt to evict you.

Once you have filled in an affidavit of indigency, printed and signed it, and completed your motion with the eviction notice and execution (that should be attached to the notice of execution or eviction), you have everything you will need to submit.

Make sure your motion is signed.

Make sure your certificate of service is signed.

Scan it all in so you have a digital copy.

Now, go back to your e-file account. Select the court you wish to file with (it will be where your court case was held). The docket number should be on your motion (but the lawyers are sometimes lazy and use a shorthand version of your docket number, so look out). If your docket number does not have the first two digits of the year and then an ‘H’ after it, you will need to get the correct docket number off of the docket for the

applicable court (links for looking up docket information are here: <http://maapl.info/where-to-get-help/online-legal-resources-list/>).

#### **4. E-File your motion**

You will then be able to file your emergency stay by following the directions on the website and uploading the document you have created.

Please be in touch with us and let us know if you are filing one of these and we will assist.