

## MHOA Mock Trial Case History

### Overview:

Case is the BOH v. a property owner of a rental property with structural issues. The case began with a complaint from the neighborhood due to the poor conditions and unattractive property that is a health hazard to the rest of the neighborhood. Occupant is an elderly widow.

At issue is the fact the owner will not make repairs because they feel the occupant has not maintained the property, who had an agreement with her husband to have lower rent if they maintained the house. BOH does not want the responsibility and financial burden, therefore hesitant to condemn.

### Historical Timeline (talking points & documents for presentation at trial):

Several neighbors complain to BOH

BOH does a drive by and agrees they should investigate, noting debris in yard, tarp on roof, and siding falling off.

BOH knocks on door with no answer, they take pictures and cannot access backyard due to fence.

Neighbor sees them and brings boh to their back yard to view the rear of the property and takes more pictures

BOH leaves a message with the property owner, asking they call to discuss the condition of the home.

Owner does not return the call.

BOH sends a letter to the occupant requesting permission to enter, noting the date and time of the inspection.

Occupant agrees to have them come in.

Inspection is conducted verifying structural issues are a threat to the occupant.

OTC sent to owner via certified mail & first-class mail. Proof of service, green card, is not returned to boh after 10 days.

BOH contacts the clerk magistrate to explain service issue and asks if service can be established because first class mail OTC was not returned.

Court denies resulting in boh using constable for service, which results in acceptable proof of service. Owner does not contact boh or do any work, verified no work by re-inspection

Boh files complaint in housing court, probably cause scheduled.

At hearing owner states, the occupants had an agreement to maintain the property, which is the same agreement she has always had with his tenants. Said town can't order him to change the way he does business since it's his property.

BOH says they are at an impasse and asks for complaint to issue.

We do not have the time to go into arraignment, pre-trial hearings, etc. The intention today is for you to see trial procedure and understand your role in the trial. During the wrap up, we will address questions and discuss several key points to managing and processing a case.

For more information see:

Trial Court, Housing Division <https://www.mass.gov/orgs/housing-court>

Community Sanitation Program <https://www.mass.gov/community-sanitation>

Registry of Deeds <https://www.sec.state.ma.us/rod/rodidx.htm>