

## How to Go to Housing Court Against Offensive Neighbors (*And Win*)

by John Kontekakis

This is a guideline for those who are fed up with an unruly neighbor, and have decided to do something about it. In most cases, numerous calls to the police have yielded little or no results. It may all seem like a lot of work, but it's worth the effort. The results can be dramatic and will add peace back into your life, restore your neighborhood, and protect your home's value.

1. Make a record: log as many incidents as possible. Make note of the following:
  - A. Date & time
  - B. Location, e.g. – house address, as well as in the street, on sidewalk, porch, back yard, etc
  - C. Description of people involved. Try to find out their names. That can be tricky. See paragraph 3 below.
  - D. Description of any vehicle involved, e.g. – make, model, color, and license plate
  - E. Nature of offense, e.g.- Loud stereo, screeching tires, drug dealing, barking dog
  - F. If available, video tape offenses that take place in public (i.e., street, sidewalk, or municipal property such as a school playground). Things like drug dealing, brawling, tire screeching, etc. Be careful not to capture private conversations, or people in their homes. If you are afraid for your safety, then try to be inconspicuous by video taping through the blinds, for example. It can be shared with the Police if illegal activities are occurring.
  - G. Take photographs. Use same precautions. They can be brought with you to court as evidence of your accusations.
2. Get witness support. Start communicating with neighbors who you can trust and are willing to assist you. If you are the type of person that never got to know the neighbors or are new to the neighborhood, take a look at the houses around you, and see which ones show pride of ownership. Make note of the address, write a quick note to them, and drop it off in their mailbox, or mail it to them. A good place to find owner's names and addresses is from the Springfield GIS (Geographic Information System) website: <http://www2.springfieldcityhall.com/gis/>. Simply ask if they are bothered by the ongoing disruptive activity in area, along with the diminished quality of life and if they are, would they please contact you by phone or email. Once they correspond with you, ask for their assistance to gather evidence, tell them about your intentions to go to housing court, and ask if they'll come as witnesses. Try to have at least 3 neighbors on board. Don't get discouraged if you don't succeed.
3. Seek assistance from community groups. Start attending the Community Police Beat Management Team meetings (<http://www.springfieldpolice.net/departments/cp/sectormp.html> or 787-6359 for info), or the neighborhood Civic Association meetings. Introduce yourself to the chairperson and let them know what you're up to. They can offer some advice, see if they can find an active member to witness some of the activities, and write a letter of complaint to the property owner. The Beat Management Team may also be able to get the name of the trouble maker for you. You will need the name for court. The assigned community police officer is often at these meetings, and is usually on top of things.
4. Create a Police Log. Call the Springfield Police complaint line at 787-6302. You can also report incidents via the internet. Follow the instructions on the page. [http://www.springfieldpolice.net/forms/records\\_crimereport.htm#formslink](http://www.springfieldpolice.net/forms/records_crimereport.htm#formslink).
5. Make record of Housing Code violations. Call the Springfield Office of Housing at 787-6730, or go to their website: <http://www.springfieldcode.org/>. If there are none for the nuisance property, but you think there are violations, report them. First review the Good Neighbor Handbook for a reference of the city ordinances. You can obtain a copy by contacting the Community Police at 7876359, or by going to the website listed in paragraph 3, then clicking on "The Good Neighbor Handbook" in the middle of the page.

# Forest Park Downloads

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6. Fill out an Emergency Order Complaint. This is the form that will be submitted to the Court to begin the proceedings. You can obtain a copy from the Police Beat Management teams listed above, or you can go directly to the Western Housing Court Clerks Office and get a copy. The address is 37 Elm St., Springfield, 7487838 (it's actually at the beginning of State Street near East Columbus Ave, but the front of the building is Juvenile Court and the rear is Housing, but in essence the same building). The web address is: <http://www.mass.gov/courts/courtsandjudges/courts/hampdenhousingmain.html>. There is also a copy on the Springfield Police Website: [http://www.springfieldpolice.net/resources/localinfo/court/local\\_housingct.htm](http://www.springfieldpolice.net/resources/localinfo/court/local_housingct.htm). Your complaint should be clear and to the point. Write a draft on scrap paper prior to filling out the actual form. The accused will also receive a copy of this, so be factual and accurate. If there are tenants involved, then you can state them as the defendant as well as the homeowner.
  - A. 1st paragraph, "The following occurred". The broader violations should be highlighted supported by incident dates, e.g.- excessive noise after hours: date, date, date; Threatening language and verbal attacks: date, date, date; Screeching tires: dates, etc.
  - B. 2nd paragraph, "I have attempted to resolve this problem by doing the following". Hopefully by now the Beat Management Team has sent a letter to the owner, so you can put that down along with the date. If you've spoken directly to the accused, put that down, along with the date. Site the dates you called the Police complaint line.
  - C. 3rd paragraph, "Therefore I am asking the court to": Make it STOP! Ask that the city ordinances and laws get enforced. You want them to stop making noise, stop racing their car, stop loitering in the middle of the street, stop having parties on the front porch, etc. Also state that you want the court to protect you against retributions from the accused.
7. File your complaint. When you feel your ready, bring the form to the Housing Court Clerk's Office. He will put things in motion and set a court date, usually a couple of weeks away. The court fees are around \$105 and have to be prepaid, so bring your checkbook. You may be eligible for a discount, as in the case for the elderly. From the court you have to go to the Hampden County Sheriff's Office who will serve the court date notice to the accused. It's only a couple blocks away at 1170 Main Street (south of State), 732-5772. Their website is: <http://www.hampdencountysheriff.com/>. They also charge a fee, and is in the vicinity of \$35, so be prepared to pay that as well.
8. Get ready for court.
  - A. Gather your complaint notes, and type them out. Make a 2nd copy that you can leave for the judge.
  - B. Make a collage of your photos on 8 1/2 x11 letter sized paper.
  - C. Contact your neighbors and witnesses, and inform them of the court date. Remind them several times as the date approaches. Offer to drive. It makes a big difference.
  - D. If the Police Beat Management Team helped you out, contact them and let'em know. They've probably been to Housing Court before, and would be an asset to have along.
9. Your day in Court. Be on time. Check the lobby board or with the Housing Court Clerk to find out where to go. All the cases get called in together at 9am, and a roll call is conducted. Be prepared to wait. Several cases may be heard before yours. When addressing the judge, be clear, concise, and to the point. Listen carefully to his/her questions, and try to answer them as directly as possible.

If all goes well, the judge will impose strict orders against the defendants. There should also be clear consequences as to what will happen if the accused tries to be vengeful against you. For your part, you should monitor the situation at home and continue keeping notes, but do not interact with the defendants. In other words, don't rub it in their face. Hopefully you can go back to enjoying some peace and quiet, and they'll settle down.

These are not the hard and fast rules, but just a guideline based on my experience and that of others. I'm just an ordinary citizen with no formal legal knowledge, so ask questions as you move along through the process to get ideas from others. If you have a family attorney, give them a call for advice. Good luck!