



What to do when your home has been condemned

If a housing inspector finds that all or a part of the building you live in is "unfit" to live in and that repairs cannot be made while you are living in the property, the Board of Health may issue a finding that the dwelling or a portion of the dwelling is unfit for human habitation. This finding may lead to the Board of Health's ordering that the building be condemned, that the landlord close up the property, and that the occupants vacate the portion that is unfit. If the Board of Health condemns your building, legally, you do not have to move until after a judge orders you to move.

If you want to fight the condemnation, you must appear in court for the condemnation hearing. You will get notice of it from the Board of Health, not your landlord. Because these are considered emergency situations, you will often not have very much notice in advance of the hearing.

Right to a Hearing

If a Board of Health intends to condemn a building, it must first send all occupants a written notice. This notice must tell tenants that the Board of Health will hold a hearing to consider whether the property or a specific part of the property should be condemned. The notice must also include a copy of the inspection report and tell you when a hearing is scheduled.

At the hearing, the landlord, any occupant, or any other person affected may speak up and oppose the condemnation. As a tenant, you may present witnesses and documents showing why the building should not be condemned. The best way to challenge a condemnation is to show that the property is structurally sound and can be safe if certain repairs are made. You can do this by having a person who is trained to inspect residential property testify about the structural integrity of the building at the hearing.

Note

If an inspector determines that the conditions are so dangerous that the tenants must immediately vacate the building, the tenants may be denied a hearing before the Board of Health. The inspector must put this determination in writing.

Source: <http://www.masslegalhelp.org>



Challenging an Order to Condemn

At the same time or any time after a Board of Health determines that a building is unfit for human habitation, it may issue an order to condemn. This order will state that the building must be vacated and that the landlord must close it up.

As a tenant, you may challenge the Board of Health's order to condemn by going to court. There are several things you can do at court.

- If the conditions are not too severe, and your landlord has adequate funds, you can ask the judge to order the landlord to make the repairs necessary to avoid condemnation.
- If the conditions are not too severe, but the landlord does not have adequate funds, you can ask the judge to appoint a receiver to manage and repair the property (see [Chapter 11: Receiverships](#)).
- If you are able to get an order that the repairs get made and the apartment not be condemned, you will probably need to leave your apartment for a period of time in order for the repairs to be made. You may ask the judge to order your landlord or the town or city that is condemning the property to pay for a hotel room for you and your family. You may also ask the judge to make an order for a daily allowance to help you pay for food while you are displaced from your apartment.

If you have not already sought the help of an attorney, you should do so at this point. If, within one year of the order to condemn, an owner has not made the necessary repairs, the Board of Health may order the building to be demolished.

Moving Expenses

If the Board of Health condemns your building and orders you and to vacate it, the city or town in which the building is located is required to provide occupants with relocation assistance and a relocation payment for their moving expenses. Tenants forced to leave their apartments due to violations of the state Sanitary Code may apply for Emergency Assistance shelter from your local Department of Transitional Assistance office (see [Chapter 17: Emergency Assistance](#)). You can also apply for emergency housing from your local housing authority.

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