



Office of the City Clerk
610 Main Street
Waltham, MA 02452
781-314-3120

INFORMATION FOR PERSONS FILING CLAIMS

Attached you will find copies of portions of two Massachusetts statutes which govern the filing of claims. They are portions of Chapters 84 and 258 of the Massachusetts General Laws.

Employees of the City of Waltham cannot provide advice to you on which statute may apply to your claim nor can they provide advice to you regarding the content or manner of filing any claim that you decide to file.

The copies of the portions of Chapters 84 and 258 are provided as a courtesy and are not intended to constitute any legal advice from the City of Waltham. Chapter 84 covers claims involving defects in public ways and Chapter 258 covers tort claims against municipalities and their officers and employees. These laws provide strict procedures and deadlines for the filing of claims. Please read them carefully.

PROCEDURE

All claim letters should contain as much information as possible. All claims and all supplements to the original claim that are mailed or hand delivered to an appropriate city official, as designated in Chapters 84 and 258, one of whom is the City Clerk, are then forwarded to the City's Law Department for review and disposition.

Once a claim is filed with the City of Waltham, all inquiries should be directed to the City of Waltham Law Department.

Claims can be mailed or hand delivered to:

**Office of the City Clerk
City of Waltham
610 Main Street
Waltham, MA 02452**

Part I ADMINISTRATION OF THE
GOVERNMENT

Title PUBLIC WAYS AND WORKS
XIV

Chapter REPAIR OF WAYS AND BRIDGES
84

Section NOTICE OF INJURY; CONTENTS;
18 LIMITATION OF ACTION

Section 18. A person so injured shall, within thirty days thereafter, give to the county, city, town or person by law obliged to keep said way in repair, notice of the name and place of residence of the person injured, and the time, place and cause of said injury or damage; and if the said county, city, town or person does not pay the amount thereof, he may recover the same in an action of tort if brought within three years after the date of such injury or damage. Such notice shall not be invalid or insufficient solely by reason of any inaccuracy in stating the name or place of residence of the person injured, or the time, place or cause of the injury, if it is shown that there was no intention to mislead and that the party entitled to notice was not in fact misled thereby. The words "place of residence of the person injured", as used in this and the two following sections, shall include the street and number, if any, of his residence as well as the name of the city or town thereof. Failure to give such notice for such injury or damage sustained by reason of snow or ice shall not be a defense under this section unless the defendant proves that he was prejudiced thereby.

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Chapter REPAIR OF WAYS AND BRIDGES
84

Section SERVICE OF NOTICE
19

Section 19. Such notice shall be in writing, signed by the person injured or by some one in his behalf, and may be given, in the case of a county, to one of the county commissioners or the county treasurer; in the case of a city, to the mayor, the city clerk or treasurer; in the case of a town, to one of the selectmen or to the town clerk or treasurer. If the person injured dies within the time required for giving the notice, his executor or administrator may give such notice within thirty days after his appointment. If by reason of physical or mental incapacity it is impossible for the person injured to give the notice within the time required, he may give it within thirty days after such incapacity has been removed, and if he dies within said thirty days his executor or administrator may give the notice within thirty days after his appointment. Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator, which contains the information that the person was so injured, giving the name and place of residence of the person injured and the time, place and cause of the injury or damage, shall be considered a sufficient notice.

Part III COURTS, JUDICIAL OFFICERS AND
PROCEEDINGS IN CIVIL CASES

Title IV CERTAIN WRITS AND
PROCEEDINGS IN SPECIAL CASES

Chapter CLAIMS AND INDEMNITY

258 PROCEDURE FOR THE
COMMONWEALTH, ITS
MUNICIPALITIES, COUNTIES AND
DISTRICTS AND THE OFFICERS
AND EMPLOYEES THEREOF

Section INSTITUTING CLAIMS; FINAL
4 DENIAL; LIMITATION OF ACTIONS

Section 4. A civil action shall not be instituted against a public employer on a claim for damages under this chapter unless the claimant shall have first presented his claim in writing to the executive officer of such public employer within two years after the date upon which the cause of action arose, and such claim shall have been finally denied by such executive officer in writing and sent by certified or registered mail, or as otherwise provided by this section; provided, however, that a civil action against a public employer which relates to the sexual abuse of a minor, as provided in section 4C of chapter 260, shall be governed by section 4C1/2 of said chapter 260 and shall not require presentment of such claim pursuant to this section. The failure of the executive officer to deny such claim in writing within six months after the date upon which it is presented, or the failure to reach final arbitration, settlement or compromise of such claim according to the provisions of section five, shall be deemed a final denial of such claim. No civil action shall be brought more than three years after the date upon which such cause of action accrued; provided, however, that an action which relates to the sexual abuse of a minor, as defined in said section 4C of said chapter 260, shall be governed by said section 4C1/2 of said chapter 260. Disposition of any claim by the executive officer of a public employer shall not be competent evidence of liability or amount of damages.

Notwithstanding the provisions of the preceding paragraph, in the case of a city or town, presentment of a claim pursuant to this section shall be deemed sufficient if presented to any of the following: mayor, city manager, town manager, corporation counsel, city solicitor, town counsel, city clerk, town clerk, chairman of the board of selectmen, or executive secretary of the board of selectmen; provided, however, that in the case of the commonwealth, or any department, office, commission, committee, council, board, division, bureau, institution, agency or authority thereof, presentment of a claim pursuant to this section shall be deemed sufficient if presented to the attorney general.

The provisions of this section shall not apply to such claims as may be asserted by third-party complaint, cross claim, or counter-claim, or to small claims brought against housing authorities pursuant to sections twenty-one to twenty-five, inclusive, of chapter two hundred and eighteen; provided however, that no small claim shall be brought against a housing authority more than three years after the date upon which the cause of action arose.