COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss. **SUPERIOR COURT DEPT.**
DOCKET NO. _____

MEDFIELD HOUSING AUTHORITY,
Plaintiff,

v.

ROBERT CANAVAN,
Defendant.

VERIFIED COMPLAINT

STATEMENT OF FACTS

1. Plaintiff Medfield Housing Authority ("MHA") is a duly constituted public housing authority, organized and administered pursuant to *Mass. Gen. Laws,* ch. 121B.
2. Defendant Robert Canavan is a Medfield Housing Authority Commissioner and was a Medfield Housing Authority resident. Defendant's term as MHA Commissioner expires in 2025. In his role as MHA Commissioner, it is defendant's fiduciary duty to set MHA policy, approve the budget, and oversee the work of the Executive Director.
3. Pursuant to Massachusetts General Laws Chapter 121B, Section 6:

> A member of a housing or redevelopment authority who ceases to be a resident of the city or town shall be removed upon the date of his change of residence by operation of law. A member of a housing authority appointed as a tenant, in accordance with the provisions of section five, who ceases to be a tenant in a building owned and operated by or on behalf of the local housing authority shall be removed upon the date of such change by operation of law. (Ex. A)

4. Defendant has taken up residence outside of Medfield, Massachusetts, yet remains an active member of the MHA Board of Commissioners.

5. The Plaintiff brings this complaint under Massachusetts General Laws, Chapter 231A for declaratory relief seeking to have this Court declare defendant's Commissionership unlawful.
6. The Defendant was elected MHA Commissioner after town-wide election in 2020.
7. Defendant resides at 1396 Washington Street, Norwood, Massachusetts 02081.
8. Defendant admitted to MHA Executive Director Candace Avery that he no longer resides in the Town of Medfield.
9. Defendant admitted to MHA Commissioner Paul Hinkley that he no longer resides in the Town of Medfield.
10. As part of a divorce filing in Norfolk Probate & Family Court, defendant has stated that he resides at 1396 Washington Street, Norwood, Massachusetts 02081.
11. Defendant continues to attend monthly MHA Board Meetings and serve as an active Board Member.
12. Defendant most recently attended a Board Meeting on February 12, 2025.
13. In the absence of the former MHA Chairperson who resigned from the MHA Board in January 2025, Defendant, who is Vice-Chairperson, presided over the February 12, 2025, meeting as Chairperson.
14. A serious dispute and actual controversy have arisen between the Plaintiff and Defendant as to (a) whether the defendant is to be considered a Medfield resident in light of the evidence presented, and, if not, (b) whether the defendant's Commissionership has terminated by operation of law.

COUNT ONE

VIOLATION OF MASS. GEN. LAW. Ch. 121B, §6

15. The Plaintiff repeats, realleges, and incorporates herein, paragraphs 1 through 14 of the complaint.

16. The Plaintiff is the owner of the Leased Premises. The defendant is a Medfield Housing Authority Commissioner.

17. The defendant is no longer a resident of the Town of Medfield.

18. As a result, the Defendant's Commissionership is void as a matter of law.

COUNT TWO

INJUNCTIVE RELIEF

19. The Plaintiff repeats, realleges, and incorporates herein, paragraphs 1 through 19 of the complaint.

20. Defendant's continued Commissionership is unlawful and, as such, interferes with MHA's legitimate business interests.

21. Defendant's continued, unlawful Commissionership could have a substantial impact on the well-being of MHA residents, as well as with anyone doing business with the MHA.

COUNT THREE

DECLARATORY JUDGMENT

22. The Plaintiff repeats, realleges, and incorporates herein, paragraphs 1 through 22 of the complaint.

23. An actual controversy has arisen between the parties in relation to Defendant's residence and it's bearing on defendant's eligibility to serve as a Commissioner.

24. The dispute between the parties is subject to a determination by this Court.

WHEREFORE, the Plaintiff moves this Court to enter judgment as follows:

1) Issue a Preliminary Injunction which:

    a. Finds that defendant has taken up residence outside the Town of Medfield and, as a result;

    b. Enjoins and restrains the Defendant, Robert Canavan, henceforth from (a) serving in his capacity as Medfield Housing Authority Commissioner, (b) voting at Board Meetings, (c) introducing policy, (d) communicating with Board members or staff in any official capacity, (e) proscribing any benefits defendant may derive from his commissionership, (f) representing himself as a Medfield Housing Authority Commissioner at any industry trainings, conferences, events, etc. and (g) otherwise engaging in the business of the MHA as a Commissioner in any way; and

    c. Provides such other and further relief as this Court deems just and equitable.

2) After a trial on the merits:

    a. Enter a Permanent Injunction which Enjoins and restrains the Defendant, Robert Canavan, henceforth from (a) serving in his capacity as Medfield Housing Authority Commissioner, (b) voting at Board Meetings, (c) introducing policy, (d) communicating with Board members or staff in any official capacity, (e) proscribing any benefits defendant may derive from his commissionership, (f) representing himself as a Medfield Housing Authority Commissioner at any industry trainings, conferences, events, etc. and (g) otherwise engaging in the business of the MHA as a Commissioner in any way; and

    b. Provides such other and further relief as this Court deems just and equitable.

Medfield Housing Authority,
By their attorney,

Jonathan L. Driscoll
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Dated: February 21, 2025

VERIFICATION

I, Candace Avery, certify that I have reviewed the foregoing Verified Complaint. To the best of my knowledge and belief, and under the pains and penalties of perjury, the factual statements contained in this complaint are true and correct.

Signed,

Candace Avery (Feb 21, 2025 16:54 EST)

Candace Avery

Dated: February 21, 2025