

# Taking Action: How to Write a 93A 30-Day Demand Letter\*

In a consumer to business context, Section 9 of Chapter 93A requires that a consumer send a demand letter 30 days prior to initiating a lawsuit. (NOTE: A body shop that takes an “assignment of rights” from its customer will be required to serve a 30-day demand letter prior to initiating suit under Chapter 93A. A demand letter is not required prior to pursuing a breach of contract claim as assignee. Also, no demand letter is required prior to initiating suit under Section 11 (a “business-to-business” lawsuit), but sending a demand letter in a business-to-business case may lead to a settlement prior to suit being filed.)

Within thirty days of receipt of a proper demand letter, the merchant must make a good faith response *in writing* or it could be subject to double or triple damages and attorney’s fees. The thirty-day letter serves to encourage the merchant to negotiate and settle claims out of court. It also establishes the amount of money the consumer can recover if the charges are proven in court.

Pursuant to Chapter 93A, Section 9, a demand letter must contain the following:

1. Your full name and address;
2. A description of the unfair or deceptive act or practice, including all the unfair and deceptive practices claimed, the dates involved in the transaction, and any other important facts;
3. A clear explanation of the injury you suffered as a result of the unlawful act;
4. The demanded relief, including the amount of money you are demanding to recover.

Although not required, it is advisable to send the 93A letter by way of “Certified Mail – Return-Receipt Requested” so that you will have proof of delivery. You should save a copy of the postal stub and the returned receipt for your files.

*\*Chapter 93A is a detailed statute. This overview does not explain the entire statute. Review the entire statute prior to sending any demand letters or consult an attorney regarding your rights under Chapter 93A.*