

By Mr. Mofenson of Newton, petition of David J. Mofenson for legislation to require presentation of a certificate of eviction before obtaining summary process. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT REQUIRING PRESENTATION OF A CERTIFICATE OF EVICTION BEFORE OBTAINING SUMMARY PROCESS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section 2 of chapter 239 of the General Laws as most recently  
2 amended by section 1 of chapter 463 of the Acts of 1960 is  
3 hereby amended by striking section 2 in its entirety and  
4 substituting in place thereof the following paragraph: —

5 Such person may bring an action in the superior court in the  
6 county, or in the district court in the judicial district, in which  
7 the land lies, by a writ in the form of an original summons to the  
8 defendant to answer to the claim of the plaintiff that the  
9 defendant is in possession of the land or tenements in question,  
10 describing them, which he holds unlawfully against the right of  
11 the plaintiff, and, if rent is claimed, that the defendant owes rent  
12 in the amount stated in said writ. No other declaration shall be  
13 required, except that in those cities and towns in which  
14 ordinances have been adopted to control rents and evictions, and  
15 in which such ordinances require the issuance of certificates of  
16 eviction under certain conditions, the plaintiff shall be required  
17 to file with his writ, when said writ is entered, such certificate of  
18 eviction, or an affidavit signed under oath by the plaintiff stating  
19 facts which indicate that no certificate of eviction is required.

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