

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray (by vote of the town) relative to the protection of tenants and purchasers of condominiums, cooperatives or similar units in the town of Hingham. Housing and Urban Development. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THE PROTECTION OF TENANTS AND PURCHASERS OF CONDOMINIUMS, COOPERATIVES, OR SIMILAR UNITS IN THE TOWN OF HINGHAM.

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 1. Purpose. The purpose of this act is to require
2 landlords, who seek to convert their rental property into condomin-
3 ium or other form of non-rental property, to give their tenants a
4 reasonable period of notice before evicting them in furtherance of
5 the conversion. Such prior notice will provide the potentially
6 displaced tenants with sufficient time to examine the housing
7 market, evaluate available housing alternatives, formulate future
8 housing plans, secure any necessary financing and decide whether
9 to acquire the housing accommodations being converted or to
10 relocate.

1 SECTION 2. Definitions:

2 a. Conversion eviction: An eviction of a tenant by a landlord or
3 any agent thereof for the purpose of removing such tenant from a
4 housing accommodation in connection with the initial sale and
5 transfer of legal title to that housing accommodation to a prospec-
6 tive purchaser as a condominium unit, cooperative or similar form
7 of ownership; or, an eviction of a tenant by any other person who
8 has purchased a housing accommodation when the tenant whose
9 eviction is sought was a resident of the housing accommodation at

10 the time of the initial sale and transfer of legal title to that housing
11 accommodation as a condominium unit, cooperative or unit held
12 in a similar form of ownership. A conversion eviction shall not
13 include an eviction by reason of the tenant's nonpayment of rent,
14 waste or conduct that disturbs other tenants' peaceful enjoyment of
15 their housing accommodations.

16 b. Condominium unit: A unit of a condominium as that term is
17 defined in Chapter 183A of the Massachusetts General Laws or
18 any successor statute with respect to condominiums (the "condo-
19 minium statute").

20 c. Cooperative: A system of ownership in which shares in a
21 corporation are owned, entitling an owner or owners of such shares
22 to occupancy and/or use of a portion of the real and personal
23 property owned by the corporation.

24 d. Housing accommodation: Any building, structure, or part
25 thereof or land appurtenant thereto, or any other real or personal
26 property rented or offered for rent for living or dwelling purposes,
27 together with all services connected with the use or occupancy of
28 such property.

29 e. Landlord: The individual who holds legal title to any housing
30 accommodation in any manner, including without limitation a
31 partnership, corporation, or trust.

32 f. Rental housing agreement: An agreement whether oral, writ-
33 ten or implied, between a landlord and a tenant for use and/or
34 occupancy of a housing accommodation.

35 g. Tenant: Any person entitled under the terms of a rental
36 housing agreement to the use and occupancy of any housing ac-
37 commodation.

1 SECTION 3. Procedures with Respect to Conversion Evic- 2 tions.

3 a. Presumptions. For the purposes of this act, any action to
4 recover possession of a housing accommodation shall be presumed
5 to be an action for a conversion eviction where any one or more of
6 the following has occurred:

7 (1) Any dwelling unit in any building or structure in which such
8 housing accommodation is located has been sold as a condomini-
9 um unit, a cooperative or any similar unit; or

10 (2) A master deed for the building or structure in which such
11 housing accommodation is located has been duly recorded pursu-
12 ant to the condominium statute; or

13 (3) A master deed for the building or structure in which such
14 housing accommodation is located is duly recorded pursuant to the
15 provisions of the condominium statute within six (6) months after
16 an action is brought to recover possession of such housing accom-
17 modation; or

18 (4) The building or structure in which such housing accommoda-
19 tion is located has been converted, in whole or in part, to a
20 cooperative or similar form of ownership; or

21 (5) The building or structure in which such housing accommoda-
22 tion is located is converted, in whole or in part, to a cooperative or
23 similar form of ownership within six (6) months after an action is
24 brought to recover possession of such housing accommodation; or

25 (6) Any tenant of any housing accommodation in the building or
26 structure in which such housing accommodation is located has
27 received any notice pursuant to provisions of Section 3.b if this
28 act.

29 b. Notice provisions. No action may be maintained for a conver-
30 sion eviction of any tenant until the later of (i) the termination date
31 of the tenancy pursuant to any applicable rental housing agree-
32 ment or (ii) the termination date of the tenancy specified in a
33 written notice given to the tenant pursuant to this section.

34 Each notice given pursuant to this section shall state that it is
35 being given in connection with a proposed conversion and it shall
36 specify a date of termination of the tenancy which shall be at least
37 one (1) year after the date on which the notice is given. All notices
38 given pursuant to this section shall be deemed given when person-
39 ally served upon the tenant or mailed to the tenant by registered
40 mail, return receipt requested, and shall be accompanied by a copy
41 of this act. A copy of each such notice shall, on the date thereof, be
42 also served upon, or mailed to, the Board of Selectmen of the Town
43 of Hingham.

44 No action may be maintained for a conversion eviction of any
45 tenant unless: (i) a master deed for the building or structure in
46 which the housing accommodation is located is duly recorded
47 pursuant to the condominium statute prior to or within the one (1)

48 year time period specified in this section for notice to tenants of
49 such housing accommodation or (ii) the building or structure in
50 which the housing accommodation is located is, in whole or in part,
51 converted to cooperative or similar form of ownership prior to or
52 within the one (1) year time period specified in this section for
53 notice to tenants of such housing accommodation.

1 SECTION 4. The invalidity of any section or provision of this
2 act shall not invalidate any other section or provision thereof.

1 SECTION 5. This act shall take effect upon its passage.