

By Mr. Glodis of Worcester, petition of William J. Glodis, Jr., relative to the time for commencement of actions by lessors to recover possession of land or tenements used for residential purposes. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATING TO THE TIME FOR COMMENCEMENT OF AN ACTION BY LESSOR TO RECOVER POSSESSION OF LAND OR TENEMENTS USED FOR RESIDENTIAL PURPOSES.

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. Section 1A of Chapter 239 of the General Laws
2 as amended by Section 3 of Chapter 778 of the Acts of 1973 is
3 further amended by striking the first paragraph and inserting the
4 following paragraph:

5 A lessor of land or tenements used for residential purposes may
6 bring an action under this chapter to recover possession thereof
7 before the determination of the lease by its own limitation, subject
8 to the following conditions and restrictions. The tenancy of the
9 premises at issue shall have been created for at least six months
10 duration by a written lease in which a specific termination date is
11 designated, a copy of which, signed by all parties, shall be
12 annexed to the summons. No such action may be initiated before
13 the latest date permitted by the lease for either party to notify the
14 other of his intentions to renew or extend the rental agreement, or
15 in any case before thirty days before the designated termination
16 date of the tenancy. The person bringing this action shall notify all
17 defendants by registered mail that he has done so, which notifica-
18 tion shall be mailed not later than twenty-four hours after the
19 action is initiated. The person bringing the action shall demon-
20 strate substantial grounds upon which the court could reasonably
21 conclude that the defendant is likely to continue in possession of

22 the premises at issue without right after the designated termination
23 date, which grounds shall be set forth in the writ. No execution for
24 possession may issue in any such action before the day next
25 following the designated termination date of the tenancy.
26 Notwithstanding the foregoing, an action brought upon determina-
27 tion of a tenancy for non-payment of rent pursuant to Section
28 Eleven or Section Twelve of Chapter One Hundred and Eighty-Six
29 of the General Laws may be commenced at any time after the
30 giving of a fourteen days' notice to quit. Any action brought pur-
31 suant to this section shall conform to and be governed by the pro-
32 visions of this chapter in all other respects and no remedy or
33 procedure otherwise available to any party, including any stay or
34 execution which the court has discretion to allow, shall be denied
35 solely because the action was brought pursuant to this section.

1 SECTION 2. This act shall take effect upon its passage.