



## LEGAL EASE MASSACHUSETTS EXPEDITED EVICTION STATUTE EXPANDED BY KEN KREMS, ESQ., SHAEVEL & KREMS

In the morning you get a call from the police. They have just raided a resident's apartment and seized a supply of illegal drugs. As manager, you know what to do: instead

of proceeding with a lengthy summary process action, you will use the expedited eviction statute, Massachusetts General Laws, Chapter 139, section 19 to get rid of the resident much faster.

In the early afternoon, the police call you again to say they have raided another apartment and seized a number of handguns and machine guns. Later in the afternoon, Chapter 139, section 19 applies to where a resident or household member of a housing authority or federal or state assisted housing physical assault or makes a serious threat against a management employee or any other person who is legally present on the premises.

summary process to evict those residents?

Under amendments made to Chapter 139, section 19, in late 1995, which many managers still do not know about, you may be able to use the expedited procedure to evict those residents. The statute was expanded in several ways. It now covers the illegal keeping of weapons or explosives. It also covers the situation where a resident or household member of a housing authority or federal or state assisted housing physical assault or makes a serious threat against a management employee or any other person who is legally present on the premises.

Now, if the police find drugs or guns in an apartment, this statute can be used. If a resident or the teenage son of a resident assaults your maintenance man, the statute can be used. If the son makes a serious threat against your employee or another resident, the statute can be used. The procedure to follow under the statute is fairly simple. A complaint is filed with the court and served upon the tenant. A hearing can usually be scheduled within a week or two. At the hearing, if drugs or guns were found, you need a police report, a lab report if drugs were involved, and usually a police officer to testify as to what occurred. Most of the time, if the officer testifies that illegal drugs or guns were found in the apartment, that is the end of the case.

If the case involves an assault or threats, the individuals involved have to testify. The judge has to weigh the credibility of the witnesses, and determine whether a serious threat or assault has occurred. Since the police are usually called after the fact in these

types of cases, their testimony is not as important. If the judge decides in the landlord's favor, an order can be issued declaring that the resident must vacate the apartment immediately or within a few days.

Under the statute prior to its amendment, the Housing Courts were the primary places where landlords could get expedited relief. The amendment makes it clear that this statute can now be enforced in the Housing Courts, Superior Courts, or District Courts.

If you have a case where the evidence against a resident is questionable, or where you need time to develop more evidence, the normal summary process route is always available. In addition, if you need to keep a situation under control, such as threatening behavior, while a regular summary process action is running its course, you may be able to obtain injunctive relief from the Housing or Superior Courts.

But for quickly evicting a resident who is dealing drugs, keeping guns, or engaging in seriously threatening behavior, the amended Chapter 139, section 19 may be your best bet.