



SHAEVEL, KREMS, O'CONNOR & JACKOWITZ, LLP
ATTORNEYS AT LAW

WILLIAM H. SHAEVEL
KENNETH A. KREMS
DANIEL S. O'CONNOR
DAVID R. JACKOWITZ
STEPHEN J. ALLARD
SCOTT D. CARMAN
LAURA A. ELKAYAM
THOMAS P. DELMAR

LISA O'BRIEN, SR. PARALEGAL
ALICE VAN ZANDT, PARALEGAL
KIM CARANFA, PARALEGAL
RAYNA BRIGHAM, PARALEGAL

Attorney Ken Krems Featured in Massachusetts Lawyers Weekly
Article on case holding a tax foreclosure doesn't change
tenant-at-will status

On July 31, 2017, Attorney Ken Krems was featured in the Massachusetts Lawyers Weekly front page article, "Tax foreclosure doesn't change tenant-at-will status." Attorney Krems, a leader in the field of real estate law who represents more than 20 companies managing approximately 15,000 apartments in Massachusetts, was interviewed by the news publication regarding the legal implications in light of the new District Court decision.

Pursuant to G.L. c. 186, § 13, a tenant is entitled to the greater of either 30 days' notice or the full period between the dates the rent is due. Therefore, a tenant who pays rent on the first of every month, who is given a notice to quit on July 20, must be provided until September 1 to vacate. Judge Coven of Quincy District Court held, in Tallage Adams, LLC v. Silva, et al, that a tax foreclosure on a property does not render a tenant-at-will a tenant at sufferance. Therefore, a 30 day notice to quit, as was provided in the case at hand, was held ineffectual in violation of G.L. c. 186, § 13.

Attorney Krems commented on the case that "Courts are sympathetic to tenants like this ... Attorneys for landlords have to be careful when dealing with tenants at will to provide a notice which covers a full rental period." The case serves as a reminder to landlords and their attorneys to ensure sufficient notice is provided to a tenant or they will be required to re-serve a summary process complaint which will delay any action.

If you have questions as a property manager or landlord about real estate management related issues, please contact our office at 617-556-0244.
