

NEWS ALERT

RETAIL, RESTAURANT & HOSPITALITY



Property Managers Lack Standing to Bring Eviction Actions on Behalf of Property Owners

By James F. Radke | June 21, 2018

In a decision issued on May 15, 2018, the Supreme Judicial Court of Massachusetts (“SJC”) clarified the issue of who has legal standing to bring eviction cases, known as “summary process actions,” against commercial or residential tenants in Massachusetts. It is a common practice, particularly in the commercial context, for property owners and lessors to delegate the responsibility of managing tenant relationships to a property manager. Property managers typically act as agents for the owners in many aspects of the landlord/tenant relationship, including the acts of collecting rent and other amounts due, addressing maintenance and repair issues and responding to day-to-day issues that arise with respect to the property.

The SJC has now clarified that: 1) only property owners or lessors have legal standing to bring an eviction action against a tenant; and 2) only an attorney or self-represented party may sign a summary process complaint or summons; anyone who signs and files such a document who is not an attorney or self-represented party has engaged in the unauthorized practice of law (note that while individuals may represent themselves in court, corporations and other legal entities may not).

The takeaway from this case is that the prosecution of an eviction is not something that can be delegated to a property manager. While the property manager can assist in the assembly and preparation of documents and may serve as a witness where appropriate, the case must be brought in the name of the property owner or lessor. Further, unless the property owner is an individual who is self-represented in the case, only an attorney can sign and file legal documents with the court.

For more details about the decision, [click here](#).

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The full case cite is Rental Property Management Services, et al. v. Hatcher, 479 Mass. 542 (2018).