

HOUSING COURT  
PETER ALEXOPOULOS, PLAINTIFF vs. PATRICIA MALONEY, DEFENDANT

Hampden Division

Docket # **No. SP1825-S87**

Parties: **PETER ALEXOPOULOS, PLAINTIFF vs. PATRICIA MALONEY, DEFENDANT**

Judge: **/s/WILLIAM H. ABRASHKIN,**  
**PRESIDING JUSTICE**

Date: **March 18, 1987**

MEMORANDUM AND ORDER FOR DISMISSAL

As stated from the bench on March 12, 1987, the defendant's motion to dismiss is allowed. The notice to quit in this case does not meet the requirements applicable to the Section 8 Existing Housing Program. Those regulations have been construed to incorporate the basic standards for termination notices applicable to the state public housing program, as more fully set forth in the cases of Cardaropoli vs. Clinton, Hampden Housing Court No. SP1676-S87 (2-9-87) and Gallman vs. Pierce, No. C-84-0006-CAL (N.D. Cal 6-26-86), copies of which are provided for the benefit of the parties.

The following observations may also be useful to the parties in understanding court's view of the governing law:

First, tenants are entitled to clear and unambiguous termination notices as a matter of state law. Maguire vs. Haddad, [325 Mass. 590](#) (1950). A notice stating that "I have sold the house in which you are a tenant" when in fact the landlord is still the legal owner is not only potentially confusing and misleading but in fact evidently caused genuine confusion in this case.

Second, even though "sale of the premises" may be a good cause reason for termination under the federal regulations it must be alleged and shown that there is a good faith business or personal reason why the tenancy should not survive the sale. Properties are frequently sold subject to residential tenancies. A good faith desire on the part of the new owner to occupy the unit for personal or family use would be such a reason, provided that it is sufficiently alleged and proved. This is not

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an overly restrictive standard as it allows for the fulfillment of any bona fide, good faith personal or business need while at the same time upholding the statutory "good cause" standard which exists to protect the stability of Section 8 tenancies.

So entered.

End Of Decision