

Tenants bring class action vs. Assisted Living Residence

*Sue over ‘community fee,’ security deposits;
\$9.4 million settlement*

By Staff

The plaintiffs filed a class action on behalf of a group of similarly situated elderly residential tenants against their landlord (an Assisted Living Residence, or ALR) alleging violations of G.L.c. 186, §15B (the “Security Deposit Statute”) and G.L.c. 93A.

The plaintiffs alleged that the defendant unlawfully collected a “community fee” from tenants and that the defendant mishandled security deposits collected from the tenants.

The class action settlement agreement included an available claim benefit fund, not to exceed \$9.4 million. In addition to, and separate from, the benefit fund, attorneys’ fees were awarded to plaintiffs’ counsel in the amount of \$2.1 million.

ACTION: Landlord and tenant/consumer protection

INJURIES ALLEGED: Money damages including unpaid interest

CASE NAME: Gowen, et al. v. Benchmark Senior Living, LLC

COURT/CASE NO.: Suffolk Superior Court (BLS)/No. 1684CV03972-BLS2

JURY AND/OR JUDGE: N/A (mediated)

NAME OF MEDIATOR: Hon. Margaret Hinkle (ret.)

AMOUNT: \$9.4 million (available claim benefit fund) (additional \$2.1 million in attorneys’ fees)

DATE: June 1, 2021

ATTORNEY: Kevin J. McCullough of Salem (for the plaintiffs)