

HOUSE No. 6407

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, October 16, 1986.

The committee on Ways and Means to whom was referred the Bill establishing a northeastern division and a southeastern division of the Housing Court Department and providing for the prompt resolution of housing disputes throughout the Commonwealth (Senate, No. 1916), reports that the same ought to pass with an amendment substituting therefore the accompanying bill (House, No. 6407).

For the committee,

EDWARD A. LELACHEUR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT ESTABLISHING HOUSING COURTS FOR MERRIMACK VALLEY, SOUTHERN ESSEX AND BRISTOL COUNTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 185C of the General Laws,
2 as amended by section 1 of chapter 575 of the acts of 1983, is
3 hereby further amended by striking out the first sentence and
4 inserting in place thereof the following sentence: — The housing
5 court department established under section one of chapter two
6 hundred and eleven B shall be composed of a division of Hampden
7 County, a division for Worcester County, a division for the city
8 of Boston, a division for Bristol County, a division for the
9 Merrimack Valley, which shall include the cities of Lawrence,
10 Lowell, Newburyport and Haverhill, and the towns of Billerica,
11 Andover, Tewksbury, Amesbury, Groveland, Merrimac,
12 Methuen, North Andover, Salisbury, West Newbury, Dracut,
13 Dunstable, Groton, Pepperell, Shirley, Tyngsborough, Westford
14 and Chelmsford, and a division for southern Essex county, which
15 shall include the cities of Beverly, Gloucester, Lynn, Peabody and
16 Salem and the towns of Boxford, Danvers, Essex, Georgetown,
17 Hamilton, Ipswich, Lynnfield, Manchester, Marblehead,
18 Middleton, Nahant, Newbury, Rowley, Rockport, Saugus,
19 Swampscott, Topsfield and Wenham.

1 SECTION 2. Section 3 of said chapter 185C, as amended by
2 section 2 of chapter 575 of the acts of 1983, is hereby amended
3 by striking out the first paragraph and inserting in place thereof
4 the following paragraph: —

5 The divisions of the housing court department shall have
6 common law and statutory jurisdiction concurrent with the
7 divisions of the district court department and the superior court
8 department of all crimes and all civil actions arising in the city
9 of Boston in the case of that division, in the county of Bristol in

10 the case of that division, in the cities and towns of southern Essex
11 County, in the case of that division, in the county of Hampden
12 in the case of that division, in the cities and towns of the
13 Merrimack Valley in the case of that division, and in the county
14 of Worcester in the case of that division, under chapter forty A,
15 sections twenty-one through twenty-five of chapter two hundred
16 and eighteen, sections fourteen and eighteen of chapter one
17 hundred and eighty-six and under so much of sections one
18 hundred and twenty-seven A through one hundred and twenty-
19 seven F, inclusive, and sections one hundred and twenty-seven H
20 through one hundred and twenty-seven L, inclusive, of chapter
21 one hundred and eleven, so much of chapter ninety-three A, so
22 much of section sixteen of chapter two hundred and seventy, so
23 much of chapters one hundred and forty-three, one hundred and
24 forty-eight, and two hundred and thirty-nine, jurisdiction under
25 the provisions of common law and of equity and any other general
26 or special law, ordinance, bylaw, rule or regulation as is concerned
27 directly or indirectly with the health, safety, or welfare of any
28 occupant of any place used, or intended for use, as a place of
29 human habitation and the possession, condition, or use of any
30 particular housing accommodations or household goods or
31 services situated therein or furnished in connection therewith. The
32 divisions of the housing court department shall also have
33 jurisdiction of all housing problems, including all contract and
34 tort actions which affect the health, safety, and welfare of the
35 occupants or owners thereof, arising within and affecting the
36 residents in the city of Boston, in the case of that division, Bristol
37 county, in the case of that division, in the cities and towns of
38 southern Essex County, in the case of that division, of Hampden
39 County, in the case of that division, in the cities and towns of the
40 Merrimack Valley in the case of that division, and Worcester
41 county, in the case of that division, and shall also have jurisdiction
42 in equity, concurrent with the divisions of the district court
43 department, the division of the probate and family court
44 department, the superior court department, the appeals court, and
45 the supreme judicial court, of all cases and matters so arising.

1 SECTION 3. Section 4 of said chapter 185C, as most recently
2 amended by section 3 of chapter 575 of the acts of 1983, is hereby

3 further amended by adding at the end thereof the following three
4 paragraphs: —

5 The division of the housing court department for the cities and
6 towns of the Merrimack Valley shall hold its sittings in the
7 courthouse facilities located in the city of Lawrence and at regular
8 and frequent intervals at the courthouse facilities in the cities of
9 Lowell and Haverhill. The court, with the consent of the chief
10 administrative justice, shall also sit in such other courthouse
11 facilities as the administrative justice of the housing court
12 department may deem to be expedient or convenient.

13 The division of the housing court department for southern
14 Essex County, shall hold its sittings in the courthouse facilities
15 of the superior court department within said county and, with the
16 consent of the chief administrative justice, shall also sit in such
17 other courthouse facilities within said county as the administrative
18 justice of the housing court department may deem to be expedient
19 or convenient.

20 The division of the housing court department for Bristol county
21 shall hold its sittings in the facilities of the superior court
22 department within said county and, with the consent of the chief
23 administrative justice, shall also sit in such other courthouse
24 facilities within said county as the administrative justice of the
25 housing court department may deem to be expedient or
26 convenient.

1 SECTION 4. Section 8 of chapter 185C, as appearing in
2 section 4 of said chapter 575, is hereby amended by striking out
3 the first sentence and inserting in place thereof the following
4 sentence: — There shall be one justice appointed for the Bristol
5 county division, one justice appointed for the southern Essex
6 county division, one justice appointed for the Hampden county
7 division, one justice appointed for the Merrimack Valley division,
8 one justice appointed for the Worcester county division and two
9 justices appointed for the city of Boston division of the housing
10 court department.

1 SECTION 5. Section 9 of said chapter 185C, as appearing in
2 said chapter 478, is hereby amended by adding at the end thereof,
3 the following sentence: — The clerk appointed for the southern
4 Essex county division shall reside in Essex County.

1 SECTION 6. Section 127G of chapter 111 of the General Laws
2 is hereby amended by striking out the last sentence, as most
3 recently amended by section 5 of said chapter 575, and inserting
4 in place thereof the following sentence: — The provisions of this
5 section shall not apply to any case brought in the housing court
6 of the city of Boston, the housing court of the county of Bristol,
7 the housing court of southern Essex county, the housing court
8 of the county of Hampden, the housing court of the Merrimack
9 Valley, or the housing court of the county of Worcester.

1 SECTION 7. Section 86A of chapter 223 of the General Laws,
2 as most recently amended by section 6 of said chapter 575, is
3 hereby further amended by striking out the first sentence and
4 inserting in place thereof the following sentence: — Upon motion
5 of the plaintiff at any time after entry of a judgment in his favor
6 in the supreme judicial court, superior court, housing court of the
7 city of Boston, housing court of the county of Bristol, housing
8 court of southern Essex, housing court of the Merrimack Valley,
9 housing court of the county of Hampden, housing court of the
10 county of Worcester but before the expiration of the time to
11 appeal therefrom or, if an appeal is claimed, during the pendency
12 thereof, such court shall have jurisdiction by appropriate
13 procedure and process to cause to be reached, held and thereafter
14 applied in payment of any such judgement or decree in his favor
15 in such action or suit the same kind of property, right, title or
16 interest, legal or equitable, of a defendant, within or without the
17 commonwealth, which may be reached and applied under clauses
18 (6) and (7) of section three of chapter two hundred and fourteen,
19 and any property, right, title or interest, legal or equitable, real
20 or personal, including any shares or interests in corporations
21 organized under the laws of the commonwealth or of the United
22 States, and located or having a general office in the common-
23 wealth, fraudulently conveyed by the defendant with intent to
24 defeat, delay or defraud his creditors or to defeat or delay the
25 plaintiff in the satisfaction of his claim, or purchased, directly or
26 indirectly paid for, by him, the record or other title to which is
27 retained in the vendor or is conveyed to a third person with intent
28 to defeat, delay or defraud the creditors of the defendant or to
29 defeat or delay the plaintiff in the satisfaction of his claim;

30 provided, that in reaching and applying hereunder the interest or
31 a partner in partnership property, the business of the partnership
32 shall not be enjoined or otherwise interrupted further than to
33 restrain the withdrawal of any portion of the defendant's share
34 or interest therein until final judgment or decree in such action
35 or suit.

1 SECTION 8. Section 6 of chapter 224 of the General Laws,
2 as most recently amended by section 7 of said chapter 575, is
3 hereby further amended by striking out the first sentence and
4 inserting in place thereof the following sentence: — All
5 proceedings for the examination, commitment or discharge of a
6 defendant arrested on execution, and all supplementary
7 proceedings under this chapter as to a judgment debtor, shall be
8 had in the the district court within whose judicial district the
9 defendant or debtor was arrested or lives or has a usual place of
10 business or employment; or, if the defendant or debtor does not
11 live or have a usual place of business or employment within the
12 commonwealth, such proceedings may also be had in the district
13 court within whose judicial district the record of the original
14 action is kept; provided, however, that every proceeding for the
15 examination, commitment or discharge of a defendant so arrested,
16 and every supplementary proceeding under this chapter as to a
17 judgment debtor, which is incidental to a case or matter in the
18 housing court of the city of Boston, in the housing court of the
19 county of Bristol, in the housing court of southern Essex county,
20 in the housing court of the county of Hampden, in the housing
21 court of the Merrimack Valley, in the housing court of the county
22 of Worcester, shall be had in said housing courts.

1 SECTION 9. Section 111 of chapter 231 of the General Laws,
2 as most recently amended by section 8 of said chapter 575, is
3 hereby further amended by striking out the first paragraph and
4 inserting in place thereof the following paragraph: —

5 A justice of the superior or land court or the judge of the housing
6 court of the city of Boston, the housing court of the county of
7 Bristol, the housing court of southern Essex County, the housing
8 court of the Merrimack Valley, the housing court of the county
9 of Hampden, or the housing court of the county of Worcester,

10 after verdict or after a finding of the facts by the court, may report
11 the case for determination by the appeals court.

1 SECTION 10. Said chapter 231 is hereby further amended by
2 striking out section 113, as most recently amended by section 9
3 of said chapter 575, and inserting in place thereof the following
4 section: —

5 Section 113. A party aggrieved by a final judgment of the
6 superior court, land court, the housing court of the city of Boston,
7 the housing court of the county of Bristol, the housing court of
8 southern Essex County, the housing court of the county of
9 Hampden, the housing court of the Merrimack Valley, or the
10 housing court of the county of Worcester may appeal therefrom
11 to the appeals court or, subject to the provisions of section ten
12 of chapter two hundred and eleven A, to the full court of the
13 supreme judicial court.

1 SECTION 11. Chapter 261 of the General Laws is hereby
2 amended by striking out section 8, as most recently amended by
3 section 10 of said chapter 575, and inserting in place thereof the
4 following section: —

5 Section 8. If two or more cases are tried together in the
6 supreme judicial court, in the superior court, in the housing court
7 of the city of Boston, in the housing court of the county of Bristol,
8 in the housing court of southern Essex County, in the housing
9 court of the county of Hampden, in the housing court of the
10 Merrimack Valley, in the housing court of the county of Worcester
11 or in a district court, the presiding justice may reduce the witness
12 fees and other costs; but not less than the ordinary witness fees
13 and other costs recoverable in one of the cases which are so tried
14 together shall be allowed.

1 SECTION 12. Section 4 of chapter 263 of the General Laws,
2 as most recently amended by section 11 of said chapter 575, is
3 hereby further amended by striking out the first paragraph and
4 inserting in place thereof the following paragraph: —

5 No person shall be held to answer in any court for an alleged
6 crime, except upon an indictment by a grand jury or upon a
7 complaint before a district court, the housing court of the city of

8 Boston, the housing court of the county of Bristol, the housing
9 court of southern Essex County, the housing court of the county
10 of Hampden, the housing court of the Merrimack Valley, the
11 housing court of the county of Worcester or in proceedings before
12 a courtmartial.

1 SECTION 13. Said chapter 263 is hereby further amended by
2 striking out section 8A, as most recently amended by section 12
3 of said chapter 575, and inserting in place thereof the following
4 section: —

5 Section 8A. A person shall not be held to answer in a district
6 court or the housing court of the city of Boston, the housing court
7 of the county of Bristol, the housing court of southern Essex
8 County, the housing court of the county of Hampden, the housing
9 court of the Merrimack Valley, or the housing court of the county
10 of Worcester to a second complaint for an offense for which he
11 has already been tried upon the merits in a district court or in
12 the housing court of the city of Boston, the housing court of the
13 county of the Bristol, the housing court of southern Essex county
14 the housing court of the county of Hampden, the housing court
15 of the Merrimack Valley and the housing court of the county of
16 Worcester.

1 SECTION 14. This act shall take effect on July 1, 1987.