

By Mr. Forman of Plymouth, petition of Peter Forman and other members of the House, for legislation to establish a housing court in Plymouth County. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING A HOUSING COURT IN PLYMOUTH 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. The last sentence of section 127G of chapter 111
2 of the General Laws, as appearing in the 1984 Official Edition,
3 is hereby further amended by inserting after the word "Hampden"
4 the words: —, or in The housing court of the County of Plymouth.

1 SECTION 2. Section 1 of chapter 185C of the General Laws,
2 as amended by chapter 171 of the acts of 1985, is hereby further
3 amended by striking out the first sentence and inserting in place
4 thereof the following sentence: —

5 The housing court department, established under section one
6 of chapter two hundred and eleven B, shall be composed of a
7 division for Hampden county; a division for Worcester county,
8 including the town of Bellingham in Norfolk county and a division
9 of Plymouth County.

1 SECTION 3. Section 3 of said chapter 185C, as appearing in
2 the 1984 Official Edition, is hereby amended by striking out the
3 first paragraph and inserting in place thereof the following
4 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 of all civil actions arising in the city
9 of Boston in the case of that division, in the county of Hampden

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

1 SECTION 4. Section 4 of said chapter 185C, as appearing in
2 the 1984 Official Edition, is hereby amended by inserting at the
3 end the following: —

4 The division of the housing court department for Plymouth
5 shall hold its sittings in the court house facilities of the superior
6 court department within said county and, with the consent of the

7 chief administrative justice, such other court house facilities
8 within said county as the administrative justice of the housing
9 court department may deem to be expedient or convenient.

1 SECTION 5. Section 8 of said chapter 185C, as appearing in
2 the 1984 Official Edition, is hereby amended by striking out the
3 first sentence and inserting in place thereof the following
4 sentence: —

5 There shall be one justice appointed for the Hampden county
6 division, one justice appointed for the Worcester county division,
7 one justice appointed for the Plymouth County division, and two
8 justices appointed for the city of Boston division of the housing
9 court department.

1 SECTION 6. Section 2 of chapter 211B of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 striking out, in line 2, the word “three” and inserting in place
4 thereof the following word: — four.

1 SECTION 7. Section 19 of Chapter 218 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting at the end of the second sentence the following words: —
4 and in the hearing and disposition of such actions shall have the
5 same equitable powers and jurisdiction as is provided for the
6 divisions of the housing court department pursuant to section
7 three of chapter one hundred and eighty-five C.

1 SECTION 8. Said chapter 218 is hereby further amended by
2 inserting after section 19C the following new section: —

3 Section 19D. The first justice of a division of the district court
4 department may appoint such number of housing specialists as
5 the administrative justice of said department may from time to
6 time determine. The first justice of a division may designate one
7 of them as chief housing specialist for the division. All housing
8 specialists shall hold office at the pleasure of the first justice of
9 the division, subject, however, to retirement under the provisions
10 of any applicable general or special law relative to retirement
11 systems. All housing specialists shall be knowledgeable in the
12 maintenance, repair, and rehabilitation of dwelling units; the

13 problems of landlord and tenant as they pertain to dwelling units;
14 the types of funds and services available to assist landlords and
15 tenants in the financing and resolution of such problems; the
16 federal and state laws, rules and regulations pertaining to the
17 maintenance, repair and rehabilitation of such units; and the
18 financing and resolution of such problems. The housing specialists
19 shall have such powers and perform such duties as the first justice
20 of the division shall from time to time prescribe with regard to
21 actions pending before the court under chapter two hundred and
22 thirty-nine. Every housing specialist shall be sworn by the first
23 justice of the division, who shall, upon administering the oath,
24 forthwith make return of such act with the date thereof to the state
25 secretary.

1 SECTION 9. Section 86A of chapter 223 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting after the word, "Hampden", the words: — housing court
4 of the county of Plymouth.

1 SECTION 10. The first sentence of section 6 of chapter 224
2 of the General Laws, as appearing in the 1984 Official Edition,
3 is hereby amended by inserting after the word, "Hampden", the
4 words: — housing court of the county of Plymouth.

1 SECTION 11. Section 111 of chapter 231 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting after the word, "Hampden", the words: — , housing
4 court of the county of Plymouth.

1 SECTION 12. Section 113 of said chapter 231, as appearing
2 in the 1984 Official Edition, is hereby amended by inserting after
3 the word, "Hampden", the words: — , housing court of the county
4 of Plymouth.

1 SECTION 13. Section 8 of said chapter 261 of the General
2 Laws, as appearing in the 1984 Official Edition, is hereby amended
3 by inserting after the word, "Hampden", the words: — , the
4 northeastern division of the housing court department, the
5 southeastern division of the housing court department.

1 SECTION 14. Section 4 of chapter 263 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting after the word, "Hampden", the words: — , housing
4 court of the county of Plymouth.

1 SECTION 15. Said chapter 263 is hereby further amended by
2 striking out section 8A and inserting in place thereof the following
3 section: —

4 Section 8A. A person shall not be held to answer in a district
5 court or the housing court of the city of Boston, the housing court
6 of the county of Hampden, housing court of the county of
7 Plymouth, or the housing court of the county of Worcester to a
8 second complaint for an offense for which he has already been
9 tried upon the merits in a district court or in the housing court
10 of the city of Boston, the housing court of the county of Hampden,
11 the housing court of the county of Plymouth, or the housing court
12 of the county of Worcester.





