

By Mr. Vellucci of Cambridge, petition of Peter A. Vellucci for legislation to establish the eastern Middlesex County division of the Housing Court Department. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT ESTABLISHING THE EASTERN MIDDLESEX COUNTY DIVISION OF THE HOUSING COURT DEPARTMENT.

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 is
2 amended by striking out the first sentence, as appearing in section
3 1 of chapter 575 of the acts of 1983, and inserting in its place the
4 following sentence: — The housing court department established
5 under section one of chapter two hundred and eleven B shall be
6 composed of a division for Hampden county, a division for Wor-
7 cester county, a division for eastern Middlesex county, and a
8 division for the city of Boston.

1 SECTION 2. Section 3 of said Chapter 185C is amended by
2 striking out the first paragraph as most recently amended by
3 section 2 of said chapter 575, and inserting in its place the follow-
4 ing paragraph:

5 The divisions of the housing court department shall have com-
6 mon law and statutory jurisdiction concurrent with the divisions
7 of the district court department and the superior court department
8 of all crimes and of all civil actions arising in the cities of Cam-
9 bridge and Somerville in the case of eastern Middlesex division,
10 arising in the city of Boston in the case of that division, arising in
11 the county of Hampden in the case of that division, and arising in
12 the county of Worcester in the case of that division, under chapter
13 forty A, sections twenty-one through twenty-five of chapter two
14 hundred and eighteen, sections fourteen and eighteen of chapter

15 one hundred and eighty-six and under so much of sections one
16 hundred and twenty-seven A through one hundred and twenty-
17 seven F, inclusive, and sections one hundred and twenty-seven H
18 through one hundred and twenty-seven L, inclusive, of chapter
19 one hundred and eleven, so much of chapter ninety-three A, so
20 much of section sixteen of chapter two hundred and seventy, so
21 much of chapters one hundred and forty-three, one hundred and
22 forty-eight, and two hundred and thirty-nine, jurisdiction under
23 the provisions of common law and of equity and any other general
24 or special law, ordinance, by-law, rule or regulation as is con-
25 cerned directly or indirectly with the health, safety, or welfare of
26 any occupant of any place used, or intended for use, as a place of
27 human habitation and the possession, condition, or use of any
28 particular housing accommodations or household goods or serv-
29 ices situated therein or furnished in connection therewith. The
30 divisions of the housing court department shall have jurisdiction
31 of all housing problems, including all contract and tort actions
32 which affect the health, safety and welfare of the occupants or
33 owners thereof, arising within and affecting residents in the cities
34 of Cambridge and Somerville, in the case of the eastern Middlesex
35 division, in the city of Boston, in the case of that division,
36 Hampden county, in the case of that division, and Worcester coun-
37 ty, in the case of that division, and shall also have jurisdiction in
38 equity, concurrent with the divisions of the district court depart-
39 ment, the divisions of the probate and family court department,
40 the superior court department, the appeals court, and the supreme
41 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 said chapter 575, is amended by adding at
3 the end of the following paragraph: —

4 The division of the housing court department for eastern Mid-
5 dlesex county shall hold its sittings in the court house facilities of
6 the superior court department at Cambridge within Middlesex
7 county, and with the consent of the chief administrative justice,
8 such other court house facilities within said county as the adminis-
9 trative justice of the housing court department may deem to be
10 expedient or convenient.

1 SECTION 4. Section 8 of Chapter 185C, as most recently
2 amended by section 4 of said chapter 575, is amended by striking
3 out the first sentence and inserting in its place the following
4 sentence: — There shall be one justice appointed for the eastern
5 Middlesex division, one justice appointed for the Hampden
6 county division, one justice appointed for the Worcester county
7 division, and two justices appointed for the city of Boston division
8 of the housing court department.

1 SECTION 5. 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 in
4 place thereof the following sentence: — The provisions of this
5 section shall not apply to any case brought in the housing court of
6 the city of Boston, the housing court of eastern Middlesex county,
7 the housing court of the county of Hampden or the housing court
8 of the county of Worcester.

1 SECTION 6. 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 words “or housing
4 court of the county of Worcester” and inserting in place thereof the
5 words: —, housing court of the county of Worcester or housing
6 court of eastern Middlesex county.

1 SECTION 7. Section 6 of chapter 224 of the General Laws, as
2 most recently amended by section 7 of chapter 575, is hereby
3 further amended by striking out the words “or in the housing court
4 of the county of Worcester” and inserting in place thereof the
5 words: —, in the housing court of the county of Worcester or in
6 the housing court of eastern Middlesex county.

1 SECTION 8. Section 111 of chapter 231 of the General Laws,
2 is hereby amended by striking out the first paragraph as appearing
3 in section 8 of said chapter 575, and inserting in place thereof the
4 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 Hampden, the housing court of the county of Worcester, or the
8 housing court of eastern Middlesex county, after verdict or after a
9 finding of the facts by the court, may report the case for determina-
10 tion by the appeals court.

1 SECTION 9. Said chapter 231 is hereby amended by striking
2 out section 113, and inserting in place thereof the following
3 section: —

4 Section 113. A party aggrieved by a final judgment of the
5 superior court, the land court, the housing court of the city of
6 Boston, the housing court of the county of Hampden, the housing
7 court of the county of Worcester, or the housing court of eastern
8 Middlesex county, may appeal therefrom to the appeals court or,
9 subject to the provisions of section ten of chapter two hundred and
10 eleven A, to the full court of the supreme judicial court.

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

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

1 SECTION 11. Section 4 of chapter 263 of the General Laws is
2 hereby amended by striking out the first paragraph, as appearing
3 in section 11 of said chapter 575, and inserting in place thereof the
4 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 Hampden, the housing
9 court of the county of Worcester, the housing court of eastern
10 Middlesex county, or in proceedings before a court-martial.

1 SECTION 12. Said chapter 263 is hereby further amended by
2 striking out section 8A, as appearing in section 12 of said chapter
3 575, and inserting in place thereof the following 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, the housing court of the county of
7 Worcester, or the housing court of eastern Middlesex county, 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 of
10 the city of Boston, the housing court of the county of Hampden,
11 the housing court of the county of Worcester, or the housing court
12 of eastern Middlesex county.

1 SECTION 13. Subsection (d) of section 5 of chapter 36 of the
2 acts of 1976 is amended by striking out the last sentence and
3 inserting in its place the following sentence:— Section ten of
4 chapter two hundred and thirty-three of the General Laws shall
5 apply, and for the purposes of this act a justice of the district court
6 department or of the housing court department shall have the
7 same powers as a justice of the supreme judicial court or of the
8 superior court department to implement the provisions of said
9 section.

1 SECTION 14. Said chapter 36 is further amended by striking
2 out section 10 and inserting in its place the following section: —

3 Section 10. Judicial Review.

4 (a) Any person who is aggrieved by any action, regulation or
5 order of the board may file a complaint against the board in the
6 eastern Middlesex county division of the housing court depart-
7 ment, or in the third eastern Middlesex division of the district
8 court department, and thereupon an order of notice shall be issued
9 by said court and served on the board. Said courts shall have
10 concurrent original jurisdiction, subject to section twenty of chap-
11 ter one hundred and eighty-five C of the General Laws, over such
12 proceedings and shall be authorized to take such action with
13 respect thereto as is provided in the case of the superior court
14 department under the provisions of chapter two hundred and
15 thirty-one A of the General Laws, except that section three of said
16 chapter two hundred and thirty-one A shall not apply. All orders,

17 judgments and decrees of either such court may be appealed as is
18 provided in the case of a civil action in said court.

19 (b) The eastern Middlesex county division of the housing court
20 department and the third eastern Middlesex division of the district
21 court department shall have concurrent original jurisdiction, sub-
22 ject to section twenty of chapter one hundred and eighty-five C of
23 the General Laws, over actions arising out of the provisions of
24 section eleven.

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