

By Mr. Mahoney of Cambridge, petition (subject to Joint Rule 7B)  
of Nicholas P. Mitropoulos and Thomas H. D. Mahoney for legislation  
to establish a housing court for the city of Cambridge. The Judiciary.  
~~XXXX~~ ~~[Local Approval Required]~~

# AN ACT ESTABLISHING THE HOUSING COURT OF THE CITY OF CAMBRIDGE

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

SECTION 1. The General Laws is hereby amended by inserting after chapter 185A the following chapter:

## CHAPTER 185B

### HOUSING COURT OF THE CITY OF CAMBRIDGE

Section 1. Creation of Court. There shall be in the city of Cambridge, in this chapter called the city, a court of the Commonwealth known as the housing court of the city of Cambridge, in this chapter called the housing court.

NOTE. — Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary. Dates and numbers (except the section numbers of this bill) should be written in words.

2

9 *Section 2. Court of Record and Superior Jurisdiction.* The  
10 housing court shall be a court of superior and general jurisdiction  
11 with reference to all cases and matters within its jurisdiction; and  
12 no order, decree, judgment, sentence, warrant, writ or process  
13 made, issued or pronounced by it need set out any adjudication  
14 or circumstances with greater particularity than would be  
15 required in other courts of superior and general jurisdiction, and  
16 the like presumption shall be made in favor of proceedings of the  
17 housing court as would be made in favor of proceedings of other  
18 courts of superior and general jurisdiction. The housing court  
19 shall be a court of record. Writs, subpoenas, citations, orders,  
20 notices, executions and all other processes issued by the housing  
21 court shall be under the seal of the housing court, signed by the  
22 clerk, temporary clerk or an assistant clerk, and bear teste of the  
23 judge, and shall run throughout the commonwealth.

Section 3. Sittings. The housing court shall hold its sittings in Cambridge; and suitable rooms for the sittings of the housing court and for the officers thereof shall be provided in the <sup>Third</sup> First District Middlesex Cambridge county court house.

With, in each instance, the approval of the assistant commissioner of real property of the city, space may be provided for sittings of the housing court in such other court houses in the city as may from time to time be expedient or convenient. The judge of the housing court may keep order therein.

Section 4. When Court Open. The housing court shall always be open and the business thereof, or of the judge thereof, may be transacted at any time; but such business shall not, except as provided in section six of chapter two hundred and twenty, be transacted on Saturday or Sunday or on a legal holiday unless it relates to an application which, in the opinion of the judge to whom it is made, is of pressing necessity; provided, that, if the convenience of the public so requires, the housing court shall be open for the transaction of business on such Saturdays, not legal holidays, and during such hours thereof, as the judge may determine.

Section 5. Seal. The housing court shall have a seal which shall be in the custody of its clerk, and shall be affixed to all processes issued by the housing court requiring a seal.

Section 6. Rules. The housing court shall from time to time make general rules and forms for procedure, which, before taking effect, shall be approved by the supreme judicial court or a justice thereof.

Section 7. Judges. The housing court shall have one judge, who shall be a resident of the city and a member of the bar, shall devote his entire time during ordinary business hours to his duties, and shall not, directly or indirectly, engage in the practice of law. In case of a vacancy in the office of judge, or of his illness or absence, his duties shall be performed by such associate or

*Third District*

*OF EASTERN MIDDLESEX*

Special justice of the ~~municipal~~ court of the ~~city of~~ Cambridge as the

chief justice thereof may from time to time designate. The judge shall receive a salary of twenty-six thousand four hundred dollars

60 a year or such other sum as shall from time to time be fixed by  
61 the city council of the city, with the approval of the mayor of  
62 the city, but in no event more than such annual salary as may  
63 from time to time be fixed by section twenty-seven of chapter  
64 two hundred and twelve for an associate justice of the superior  
65 court.

66 *Section 8. Clerk.* The housing court shall have a clerk, who  
67 shall be appointed by the governor and shall hold office during  
68 good behavior, subject, however to retirement under the provi-  
69 sions of any applicable general or special law relative to  
70 retirement systems.

71 *Section 9. Temporary Clerk.* In case of the absence, death or  
72 removal of the clerk, the judge may appoint a temporary clerk,  
73 to act until the clerk resumes his duties or until the vacancy is  
74 filled. A temporary clerk shall be paid for each day's service an  
75 amount equal to the rate by the day of the minimum  
76 compensation of the clerk as established under sections forty-  
77 nine to fifty-six, inclusive, of chapter thirty-five; but compensa-  
78 tion so paid to a temporary clerk for service in excess of thirty  
79 days in any one year shall be deducted from the salary of the  
80 clerk; provided, however, that if a clerk is absent due to illness or  
81 physical disability for a period not exceeding thirty days in any  
82 year, in addition to said thirty days, he shall be deemed to be on  
83 sick leave and no such deduction shall be made. Such thirty days  
84 sick leave or any portion thereof not used in any year may be  
85 accumulated, but shall, in any event, not exceed one hundred  
86 and eighty days in any consecutive six-year period. If the person  
87 so appointed holds an office or position the salary or compensa-  
88 tion for which is paid out of the treasury of the commonwealth,  
89 or of a county, or of a city or town, he shall not receive the  
90 salary or compensation of both offices or positions during the  
91 period of such temporary service.

92 *Section 10. Assistant Clerks.* The clerk may, subject to the  
93 approval of the judge, appoint such number of assistant clerks as  
94 the city council of the city, with the approval of the mayor of  
95 the city, may from time to time determine. All powers conferred  
96 by statute upon the clerk may be exercised, subject to the  
97 control of the clerk, by an assistant clerk. The clerk shall be  
98 responsible for all official acts of the assistant clerks; and they

99 shall be removable at the pleasure of the clerk or of the judge.

100 *Section 11. Oath of Clerk, etc.* The clerk, any temporary  
101 clerk and all assistant clerks shall be sworn; and in the case of any  
102 temporary clerk and of every assistant clerk, the oath of office  
103 shall be administered by the judge who shall, upon administering  
104 the same, forthwith make return of such act with the date  
105 thereof to the state secretary.

106 *Section 12. Bond.* The clerk, any temporary clerk and every  
107 assistant clerk, before entering upon the performance of his  
108 official duties, and thereafter, at intervals of not more than one  
109 year, so long as he continues to hold such office, shall give to the  
110 city a bond, conditioned to perform faithfully his official duties,  
111 with a surety company, authorized to transact business in the  
112 commonwealth as surety, in a sum approved by the judge, but in  
113 no event less than five thousand dollars. Failure to give such  
114 bond shall be sufficient cause for his removal.

115 *Section 13. Powers and Duties of Clerk, etc.* The clerk,  
116 temporary clerk and assistant clerks or one of them shall attend  
117 all sessions of the housing court and shall keep a record of all its  
118 proceedings. The clerk shall have the care and custody of all the  
119 records, books and papers appertaining to, or filed or deposited  
120 in, his office. The clerk shall make and issue writs and processes,  
121 shall make returns of the housing court, tax bills of costs and  
122 receive fines, forfeitures, fees and costs accruing from the civil  
123 and criminal business of the housing court, including fees for  
124 blanks and copies. The clerk shall have such other powers and  
125 duties as the judge may from time to time order. The clerk shall  
126 be allowed annually for clerical assistance such amount as the  
127 city council of the city, with the approval of the mayor of the  
128 city, may approve.

129 The clerk and assistant clerks of the housing court may sign  
130 process issued by the housing court, and housing court records,  
131 documents or other legal papers or copies thereof made or issued  
132 by such clerk or assistant clerks in conformity with law, except  
133 search warrants and process authorizing arrests or commitments,  
134 by imprinting thereon a facsimile of the signature of the clerk or  
135 assistant clerk; and such facsimile signatures shall have the same  
136 validity as their written signatures.

137 *Section 14. Court Officers.* The judge may appoint such

138 number of court officers for the housing court as the city council  
139 of the city, with the approval of the mayor of the city, may from  
140 time to time determine. Any court officer may be removed for  
141 any cause considered by the judge to be sufficient. Any vacancy  
142 caused by removal or otherwise may be filled by the judge. The  
143 court officers shall attend the sessions of the housing court, shall  
144 preserve order, and may serve warrants, mittimus, precepts,  
145 orders and processes of the housing court. Each court officer  
146 shall give bond for the faithful performance of his duties in the  
147 sum of one thousand dollars payable to the city, with sufficient  
148 sureties approved by the judge. Each court officer, while on duty  
149 in the housing court, shall wear a uniform approved by the judge,  
150 which shall be furnished at the expense of the city.

151 *Section 15. Housing Specialists.* The judge may appoint such  
152 number of housing specialists as the city council of the city, with  
153 the approval of the mayor of the city, may from time to time  
154 determine. The judge may designate one of them as chief housing  
155 specialist. All housing specialists shall hold office at the pleasure  
156 of the judge, subject, however, to retirement under the provisions  
157 of any applicable general or special law relative to retirement  
158 systems. All housing specialists shall be knowledgeable in the  
159 maintenance, repair and rehabilitation of dwelling units, the  
160 problems of landlord and tenant as they pertain to dwelling  
161 units, the types of funds and services available to assist landlords  
162 and tenants in the financing and resolution of such problems, and  
163 the federal and state laws, rules and regulations pertaining to the  
164 maintenance, repair and rehabilitation of such units and the  
165 financing and resolution of such problems. The housing special-  
166 ists shall have such powers and perform such duties as the judge  
167 shall from time to time prescribe. Every housing specialist shall  
168 be sworn by the judge, who shall, upon administering the oath,  
169 forthwith make return of such act with the date thereof to the  
170 state secretary.

171 *Section 16. Prohibition Against Employment as Attor-*  
172 *ney.* No clerk, temporary clerk, assistant clerk or housing  
173 specialist shall be retained or employed as an attorney in any  
174 complaint, action or suit in the housing court or which has been  
175 examined or tried therein.

176 *Section 17. Stenographers, etc.* At the trial of any issue of  
177 fact, the judge presiding at the trial may appoint a stenographer,

178 who shall be sworn and shall attend the trial, or such part thereof  
 179 as may be directed, and perform like duties and receive the same  
 180 compensation therefor as a stenographer appointed by the  
 181 superior court who is not on salary; and the sums so payable for  
 182 his attendance at court and for any transcript of his notes or part  
 183 thereon furnished to the judge presiding at the trial by his  
 184 direction shall be paid by the city upon the certificate of the  
 185 judge.

186 The judge may employ stenographic service for the housing  
 187 court to such amount as the city council of the city, with the  
 188 approval of the mayor of the city, may appropriate; and within  
 189 the limits of available appropriations, the clerk of the housing  
 190 court may procure such law books and such blank books, blanks,  
 191 stationery and other incidentals required by the housing court as  
 192 the judge may approve. Expenses so incurred shall be paid upon  
 193 vouchers approved by the judge.

194 *Section 18. Expenses and Receipts of Court.* All costs and  
 195 expenses of the housing court, including the salaries of the judge,  
 196 clerk, assistant clerks, court officers, housing specialists and  
 197 others shall be paid by the city. The clerk of the housing court  
 198 shall pay into the treasury of the city all sums received by him  
 199 whether as fees, fines, forfeitures or otherwise.

200 *Section 19. Jurisdiction.* The housing court shall have juris-  
 201 diction, concurrent with the district courts and the superior  
 202 court, of all crimes, and of all civil actions, arising within the city  
 203 under sections fourteen and eighteen of chapter one hundred and  
 204 eighty-six and under so much of sections one hundred and  
 205 twenty-seven A to one hundred and twenty-seven F, inclusive,  
 206 and sections one hundred and twenty-seven H to one hundred  
 207 and twenty-seven K, inclusive, of chapter one hundred and  
 208 eleven, so much of section sixteen of chapter two hundred and  
 209 seventy, so much of chapters one hundred and forty-three, one  
 210 hundred and forty-eight and two hundred and thirty-nine, and so  
 211 much of any other general or special law, ordinance, rule or  
 212 regulation as is concerned with the health, safety or welfare of  
 213 any occupant of any place used, or intended for use, as a place of  
 214 human habitation, including, without limiting the generality of  
 215 the foregoing, so much of chapter four hundred and seventy-nine  
 216 of the acts of nineteen hundred and thirty-eight and of acts and  
 217 ordinances in amendment thereof, and so much of the provisions

218 of ordinances validated and confirmed by chapter three hundred  
219 and fourteen of the acts of nineteen hundred and sixty-two and  
220 of ordinances made under said chapter as is so concerned. The  
221 housing court shall also have jurisdiction in equity, concurrent  
222 with the district courts, the probate courts, the superior court,  
223 and the supreme judicial court, of all cases and matters so arising.

224 In all matters within its jurisdiction, the housing court shall  
225 have all powers of the superior court in actions at law and suits in  
226 equity, including the power to grant temporary restraining orders  
227 and preliminary injunctions as justice and equity may require.  
228 The housing court shall have like power and authority for  
229 enforcing orders, sentences and decrees made or pronounced in  
230 the exercise of any jurisdiction vested in it, and for punishing  
231 contempts of such orders, sentences and decrees and other  
232 contempts of its authority as are vested for such or similar  
233 purposes in the supreme judicial or superior court.

234 *Section 20. Commencement of Proceedings.* Proceedings shall  
235 be commenced in the housing court as follows: - a criminal case,  
236 by complaint in like manner as in a district court; an action at  
237 law, including an action for summary process, by writ in like  
238 manner as in the superior court or a district court; and a suit in  
239 equity, by bill or petition with a writ of subpoena according to  
240 the usual course of proceedings in equity, in like manner as in the  
241 superior court.

242 The clerk of the housing court shall charge a fee of two dollars  
243 for the entry of an action or suit, which shall be paid by the  
244 party entering the same; and no other fee shall be charged for  
245 taxing costs, for issuing any subpoena or execution or for issuing  
246 any order of notice or other mesne, interlocutory or final order,  
247 rule, decree or process authorized by law, except a temporary  
248 restraining order or preliminary injunction for the issuance of  
249 which the clerk shall charge five dollars; provided, however, that  
250 no fee for the entry of an action or suit or for the issuance of a  
251 temporary restraining order or preliminary injunction shall be  
252 charged the commonwealth or the city or any board or officer of  
253 either. If the housing court finds that the party entering the  
254 action or suit or obtaining the restraining order or preliminary  
255 injunction is destitute and unable to pay, it may order the  
256 payment of the fee or fees prescribed by this paragraph to be  
257 waived.

258 Notwithstanding that a proceeding under this chapter is  
 259 commenced by complaint, if the housing court finds that the  
 260 offense charged was not wilful, intentional, reckless or repeated,  
 261 the proceeding shall not be deemed criminal and no record of the  
 262 case shall be entered in the probation records.

263 Suits in equity in the housing court shall be entered upon a  
 264 separate equity docket.

265 *Section 21. Issuance and Service of Subpoena in Equity*  
 266 *Cases.* Upon the commencement of a suit in equity in the  
 267 housing court, the clerk, at the request of the plaintiff or his  
 268 counsel, shall issue a subpoena with a copy of the bill or petition  
 269 attached. Such subpoena shall direct the defendant or defendants  
 270 to appear and answer on or before a date specified therein, which  
 271 shall be not less than ten nor more than fourteen days after the  
 272 issuance of such subpoena. Such subpoena shall be served at least  
 273 seven days prior to the date specified therein for appearance and  
 274 answer. Such subpoena may be served by an officer qualified to  
 275 serve civil process, by delivery to the defendant of an attested  
 276 copy thereof in any manner provided by law, including, without  
 277 limiting the generality of the foregoing, by leaving such copy at  
 278 the last and usual place of abode of the defendant or, if the suit  
 279 relates to premises of which the defendant is owner or landlord,  
 280 by leaving such copy at the place to which the rent is sent or  
 281 delivered or the bill for the real estate tax on such premises is  
 282 sent pursuant to section three of chapter sixty. If the defendant  
 283 is a corporation, such subpoena may be served by such an officer  
 284 by leaving an attested copy thereof at the place of abode of the  
 285 president, treasurer or clerk of the corporation, or in the case  
 286 aforesaid, by leaving such copy at the place to which the rent is  
 287 sent or delivered or the bill for the real estate tax on the premises  
 288 is sent pursuant to said section three. Service of such subpoena  
 289 may also be made, within the time hereinbefore prescribed, by  
 290 the plaintiff by registered mail, return receipt requested  
 291 provided, that an affidavit of such service and the return receipt  
 292 is filed on or before the date specified in the subpoena for  
 293 appearance and answer or within such further time as the housing  
 294 court may allow.

295 *Section 22. Transfer of Causes.* Any action at law or suit in  
 296 equity within the jurisdiction of the housing court which is

297 pending in another court may be transferred to the housing court  
 298 by any party thereto; but no action at law or suit in equity  
 299 originally entered in the housing court shall be transferred to any  
 300 other court, except that the supreme judicial court may direct  
 301 any cause pending in the housing court to be transferred to it in  
 302 whole or in part for further action or directions, and in cases of  
 303 partial transfer may issue such orders or directions in regard to  
 304 the part of such cause not so transferred as justice may require.

305 Whenever cross actions between the same parties or two or  
 306 more actions, including for the purposes hereof other court  
 307 proceedings, arising out of or connected with the same housing  
 308 accommodation are pending, one or more in the housing court  
 309 and also one or more in one or more district courts or one or  
 310 more probate courts, or in the superior court, the housing court,  
 311 upon motion of any party to any of such actions, may order that  
 312 the action or actions pending in the district court or courts and  
 313 in the probate court or courts and in the superior court, with all  
 314 the papers relating thereto, be transferred to the housing court  
 315 without the payment of any entry fee; and such action or actions  
 316 shall thereafter proceed in the housing court as though originally  
 317 entered there.

318 *Section 23. Trial of Cases.* All cases in the housing court,  
 319 including all demurrers, pleas, motions and the like, whether  
 320 interlocutory or final, shall be heard and determined by the  
 321 housing court sitting without a jury, except that in all cases  
 322 where a jury trial is required by the constitution of the  
 323 commonwealth or of the United States and the defendant has  
 324 not waived his rights to a trial by jury, the cause shall be  
 325 forthwith tried in the housing court before a jury selected in  
 326 accordance with chapter two hundred and thirty-four. In the trial  
 327 of any complaint, action or suit in the housing court, the report  
 328 of any inspector serving in the housing inspection department of  
 329 the city shall be prima facie evidence of the facts stated therein.

330 *Section 24. Entry of Judgments and Decrees and notice*  
 331 *Thereof.* Every judgment, order and decree entered by the  
 332 housing court shall bear as its date the day when actually entered  
 333 by the clerk, and at the time of the entry he shall note such date  
 334 upon the judgment, order or decree and upon the docket. When a  
 335 judgment or decree is entered by the housing court upon a

336 demurrer or a case stated or when a judgment or decree is  
337 entered in an action or suit, except in open court, the clerk shall  
338 forthwith give notice thereof to the parties or to their attorneys.

339 In suits in equity under this chapter, a final decree shall be  
340 entered although exceptions have been taken or a bill of  
341 exceptions has been filed and allowed, but execution and  
342 operation of the decree so entered shall be stayed until the  
343 exceptions have been disposed of unless the judge who made the  
344 ruling to which the exceptions were taken finds that the  
345 exceptions are immaterial, frivolous or intended for delay.

346 *Section 25. Reports of Facts in Equity Cases.* If a written  
347 request by any party entitled to appeal from a decree entered by  
348 the housing court in a suit in equity is filed in the office of the  
349 clerk of the housing court within three days after the entry of  
350 such decree in open court or within five days after notice of the  
351 entry of such decree is sent such party by the clerk, whichever is  
352 earlier, the judge by whom the decree was ordered entered shall  
353 report the material facts found by him within fourteen days after  
354 the filing of the request therefor. If no request for a report of  
355 material facts is filed as aforesaid, such report shall be in the  
356 discretion of the judge ordering the decree entered. A request for  
357 a report of material facts may be accompanied by a request for  
358 action on rulings of law duly filed during the trial; and in case of  
359 such additional request, exceptions may be taken to any ruling or  
360 refusal to rule thereon within five days after notice of the action  
361 of the housing court thereon is sent by the clerk. A request for  
362 action on such requested rulings may be made also within five  
363 days after a report of material facts made by the housing court in  
364 its discretion without previous request; and exceptions may be  
365 taken within five days after notice of the action of the housing  
366 court thereon is sent. In either case the filing of such requests  
367 after trial for action on rulings of law shall constitute a waiver of  
368 the right of appeal under section twenty-three. In case exceptions  
369 are taken as herein provided, sections one hundred and thirteen  
370 to one hundred and twenty-three, inclusive, of chapter two  
371 hundred and thirty-one shall apply.

372 *Section 26. Appeal.* A party aggrieved by a final decree or  
373 final judgment of the housing court may, within three days after  
374 the entry of such decree in open court or within five days after

375 notice of the entry of such decree is sent such party by the clerk,  
 376 whichever is earlier, appeal therefrom directly to the full court of  
 377 the supreme judicial court; provided that simultaneously with  
 378 filing such appeal or within such further time as the judge or  
 379 clerk for cause shown allows, file a bond executed by him or by  
 380 his attorney of record on his behalf payable to the appellee in  
 381 such reasonable sum and with such surety or sureties as may be  
 382 approved by the appellee or by the judge or clerk, conditioned to  
 383 enter and prosecute his appeal with effect, and to satisfy any  
 384 judgment for costs which may be entered against him upon said  
 385 appeal within thirty days after the entry thereof, except that no  
 386 such bond shall be required if the appellant is the commonwealth  
 387 or the city or any board or officer of either or if the judge is  
 388 satisfied that the appeal is not frivolous and that the appellant is  
 389 destitute and unable to pay for such bond. Instead of filing a  
 390 bond as aforesaid, the appellant or any person in his behalf may  
 391 deposit with the clerk, within the time required for filing a bond,  
 392 a reasonable amount, to be fixed by the judge or clerk, as  
 393 security for the prosecution of the appeal and the payment of  
 394 costs. A certificate of such deposit shall be issued to the  
 395 depositor by the clerk, who shall hold such deposit until the final  
 396 disposition of the case, when he shall pay it, or any part thereof,  
 397 to the appellee for his costs, or to the depositor thereof, as the  
 398 housing court may order. The housing court may give directions  
 399 as to the manner of keeping such deposit.

400 The completion of an appeal hereunder shall be governed by  
 401 section one hundred and thirty-five of chapter two hundred and  
 402 thirty-one as if the housing court were the superior court. When  
 403 the appeal has been entered as aforesaid, all proceedings under  
 404 such judgment or decree shall be stayed, and the cause shall  
 405 thereupon be pending before the full court, which shall hear and  
 406 determine the same, and affirm, reverse or modify the decree  
 407 appealed from. Upon the reversal of a final decree, the supreme  
 408 judicial court may remand the cause to the housing court with  
 409 necessary and proper directions for further proceeding therein.

410 When an appeal has been taken, the housing court before the  
 411 entry of the appeal in the supreme judicial court may in its  
 412 discretion stay, pending the appeal, all temporary orders,  
 413 judgments, injunctions, decrees or other orders of the housing

414 court, and may make such orders for the appointment of a  
 415 receiver, and of injunction or prohibition, or for continuing the  
 416 same in force, as are needful for the protection of the rights of  
 417 the parties pending the determination of the appeal.

418 A party aggrieved by an interlocutory decree of the housing  
 419 court may, in like manner, appeal to the full court of the  
 420 supreme judicial court; but the appeal shall not suspend the  
 421 execution of such decree, except as provided in section twenty-  
 422 two of chapter two hundred and fourteen, nor transfer to the full  
 423 court the entire cause or any matter therein except the question  
 424 whether the interlocutory decree appealed from shall be  
 425 affirmed, reversed or modified. Interlocutory decrees not  
 426 appealed from shall be open to revision upon appeal from the  
 427 final decree so far only as it appears to the full court that the  
 428 final decree is erroneously affected thereby.

429 *Section 27. Report of Testimony.* Upon an appeal, the  
 430 testimony of witnesses who have been examined orally before  
 431 the housing court shall, at the request of any party, be reported  
 432 to the full court. The housing court shall provide by general rules  
 433 for some convenient and effectual means of having the same  
 434 reported by the judge by whom the case is heard or by a person  
 435 designated by him for that purpose. In appeals in suits in equity  
 436 under this chapter, the provisions of sections twenty-four and  
 437 twenty-five of chapter two hundred and fourteen shall apply.

438 *Section 28. Execution on Final Decree.* The housing court  
 439 may issue execution in common form if such process is  
 440 appropriate for the enforcement of a decree in equity; provided,  
 441 however, that no process for the execution of a final decree of  
 442 the housing court shall issue until the expiration of five days  
 443 after the entry thereof, unless all parties against whom such  
 444 decree is made waive an appeal by a writing filed with the clerk  
 445 or by causing an entry thereof to be made on the docket, except  
 446 that if the judge by whose order the final decree was made is of  
 447 opinion that the appeal from such decree is groundless and  
 448 intended merely for delay, process for the execution of the  
 449 decree may be awarded notwithstanding the appeal.

450 *Section 29. Report of Interlocutory Decree.* If upon making  
 451 an interlocutory order or decree at law or in equity, the judge is  
 452 of opinion that it so affects the merits of the controversy that

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453 the matter ought, before further proceedings, to be determined  
454 by the full court of the supreme judicial court, he may report the  
455 question for that purpose, and stay all further proceedings except  
456 those necessary to preserve the rights of the parties.

457 *Section 30. Bond of Receiver.* The bond of any receiver  
458 appointed by the housing court shall be payable to the city and  
459 shall otherwise be in such form as the housing court shall require.  
460 Such bond may be enforced in the name of the city by its  
461 commissioner of housing inspection, or by any person interested  
462 therein and duly authorized by the housing court, after notice to  
463 said commissioner, to take such action. The housing court shall  
464 have exclusive original jurisdiction of actions on such bonds. Any  
465 sums recovered shall be paid over or administered as the housing  
466 court directs.

SECTION 2.

1       1   SECTION 2. The first sentence of section 49 of chapter 35 of  
 2       2   the General Laws, as appearing in section 3 of chapter 859 of the  
 3 acts of 1969, is hereby amended by inserting after the word "Boston",  
 in line   , the words: --, and including also the clerks, assistant  
 clerks, court officers, and housing specialists of the housing court of  
 the city of Cambridge.

SECTION 3.

1       1   SECTION 3. Section 127G of chapter 111 of the General  
 2       2   Laws, as added by section 3 of chapter 898 of the acts of 1965,   
 3       3   is hereby amended by adding at the end the following  
 4       4   sentence: - The provisions of this section shall not apply to any  
 5       5   case brought in the housing court  
 6 and the city of Cambridge.

SECTION 4.

1       1   SECTION 4. Section 22 of chapter 214 of the General Laws,  
 2       2   as amended by chapter 309 of the acts of 1948, is hereby further  
 3       3   amended by  
 inserting after the word "Boston", the words: --, and of the housing  
 court of the city of Cambridge.  
 and by inserting after the word "court", in line ---, the words: ---,  
 or the judge of the housing court of the city of Cambridge by whom the  
 order or decree appealed from was made or any other judge of said court.

SECTION 5.

## SECTION 5.

1 SECTION 5. Sections 86A of chapter 223 of the General Laws,  
2 as appearing in the Tercentenary Edition, is hereby amended by

inserting after the word "Boston", in line , the word: --, and the housing court of the city of Cambridge --, and by inserting after the word "Boston", and in the housing court of the city of Cambridge.

## SECTION 6.

1 SECTION 6. Section 6 of chapter 224 of the General Laws, as  
2 so appearing, is hereby amended by inserting after the word

3 "court", in line , the words: --; also provided, that every proceeding for the examination, commitment or discharge of a defendant so arrested, and every supplementary proceeding under this chapter as to a judgement debtor, which is incidental to a case or matter in the housing court of the city of Cambridge shall be had in said housing court.

## SECTION 7.

1 SECTION 7. Section 7 of chapter 227 of the General Laws, as  
2 so appearing, is hereby amended by inserting after the word

3 "Boston", in line , the words: --, or in the housing court of the city of Cambridge.

SECTION 8.

1 SECTION 8. Section 8 of said chapter 227, as so appearing, is  
 2 inserting after the word "therefor", in line , the word: --, or, in  
 the case of the housing court of the city of Cambridge on the day  
 specified therefor.

SECTION 9.

1 SECTION 9. Section 55 of chapter 231 of the General Laws,  
 2 as amended by section 6 of chapter 318 of the acts of 1935, is  
 3 inserting after the word "Boston", in line , the words: --, or the  
 housing court of the city of Cambridge.

SECTION 10.

1 SECTION 10. Section 60 of said chapter 231, as appearing in  
 2 the word "Boston", in line , the words: --, or in the housing court  
 of the city of Cambridge.

SECTION 11.

1 SECTION 11. Section 60A of said chapter 231, as so  
 2 the word "Boston", in line , the words: --, or in the housing court  
 of the city of Cambridge.

SECTION 12.

- 1 SECTION 12. Section 111 of said chapter 231, as so
- 2 the word "Boston", in line , the words: --, or in the housing court  
of the city of Cambridge.

SECTION 13.

- 1 Section 113 of said chapter 231 as so appearing, is hereby amended by  
inserting after the word "Boston", in line , the word: --, or of the  
housing court of the city of Cambridge.

SECTION 14.

- 1 SECTION 14. Section 119 of said chapter 231, as so
- 2 the word "Boston", in the line , the words: --, or in the housing  
court of the city of Cambridge.

SECTION 15.

- 1 SECTION 15. Section 133 of said chapter 231, as amended by
- 2 the word "Boston", in the line , the words: --, or in the housing  
court of the city of Cambridge.

SECTION 16.

1 SECTION 16. Section 135 of said chapter 231, as appearing in  
2 the Tercentenary Edition, is hereby amended by inserting after

3 the word "Boston", in line , the word: --, or the housing court of  
the city of Cambridge.

SECTION 17.

Section 146A of said chapter 231, as so appearing, is hereby amended  
by inserting after the word "Boston", in line , the word: --, or the  
housing court of the city of Cambridge and no other sections of this  
chapter shall so apply unless otherwise expressly provided.

1 SECTION 17. Said chapter 231 is hereby amended by  
2 inserting after section 146 the following section: —  
3 *Section 146A.* Sections one, one A, three, four, four A, five,  
4 six, six A, six B, six C, seven, nine, ten, eleven, twelve,  
5 thirteen A, fourteen, fifteen, sixteen, seventeen, eighteen, nine-  
6 teen, twenty, twenty-one, twenty-two, twenty-three, twenty-five,  
7 twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty,  
8 thirty-one, thirty-two, thirty-three, thirty-four, thirty-five,  
9 thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-nine,  
10 fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-  
11 six, fifty-eight, fifty-nine, fifty-nine A, fifty-nine B, sixty,  
12 sixty A, sixty-eight, sixty-nine, seventy, seventy-one, seventy-  
13 two, seventy-four, seventy-five, seventy-six, seventy-seven,  
14 seventy-nine, eighty, eighty-one, eighty-three, eighty-five, eighty-  
15 five D, eighty-six, eighty-seven, eighty-eight , ninety, ninety-five,  
16 ninety-six, one hundred eleven, one hundred twelve, one hundred  
17 thirteen, one hundred fourteen, one hundred fifteen, one  
18 hundred sixteen, one hundred seventeen, one hundred eighteen,  
19 one hundred nineteen, one hundred twenty, one hundred  
20 twenty-one, one hundred twenty-two, one hundred twenty-three,  
21 one hundred twenty-four, one hundred twenty-five, one hundred  
22 twenty-five A, one hundred twenty-six, one hundred twenty-  
23 seven, one hundred twenty-eight, one hundred twenty-nine, one  
24 hundred thirty, one hundred thirty-one, one hundred thirty-two,  
25 one hundred thirty-three, one hundred thirty-four, one hundred  
26 thirty-five, one hundred thirty-six, one hundred thirty-seven, one  
27 hundred thirty-eight, one hundred thirty-nine, one hundred  
28 forty B, and one hundred forty C, shall apply to civil actions  
29 before the housing court

SECTION 18.

1 SECTION 18. Section 9 of chapter 232 of the General Laws,  
2 as appearing in the Tercentenary Edition, is hereby amended by

3 the word "Boston", in line , the word: --, and in the housing court  
of the city of Cambridge.

SECTION 19.

1 SECTION 19. Section 8 of chapter 261 of the General Laws,  
2 as so appearing, is hereby amended by inserting after the words

3 "Boston", in line , the word: --, or in the housing court of the  
city of Cambridge.

SECTION 20.

1 SECTION 20. Section 4 of chapter 263 of the General Laws,  
2 as so appearing, is hereby amended by inserting after the word

3 "Boston", in line , the word: --, or in the housing court of the  
city of Cambridge.

SECTION 21.

1 SECTION 21. Section 6 of said chapter 263, as appearing in  
2 section 1 of chapter 246 of the acts of 1933, is hereby amended

3 by inserting after the word "case", in line , the word: --, or  
any defendant in the housing court of the city of Cambridge in a  
criminal case.

21.

SECTION 22.

1 SECTION 22. Section 8A of said chapter 263, as so appearing,

2 is hereby amended by inserting after the word "Boston", in line ,  
the word: --, or the housing court of the city of Cambridge, and by  
inserting after the word "Boston", in line , the word: --, or the  
housing court of the city of Cambridge.

SECTION 23.

The first paragraph of chapter 797 of the acts of 1969, as amended  
by section 2 of chapter 863, of the acts of 1970, is hereby amended by  
striking out, in the sentence, the words "court of the city of  
Boston within 7 days after such decision", and inserting in place thereof  
the words: --, courts of the cities of Boston or Cambridge within 7 days  
after such decision.

SECTION 24.

1 SECTION 24. Said chapter 797, as amended by section 3 of

2 further amended by inserting after the word "Boston", in line , the  
word: --, or the housing court of the city of Cambridge.

SECTION 25.

1 SECTION 25. The last sentence of paragraph (c) under the  
2 caption *Criminal Penalties* in said chapter 797, as amended by

3 is hereby amended by striking out the words "court of the city of Boston",  
and inserting in place thereof the words: --, courts of the cities of  
Boston or Cambridge.

## SECTION 26.

1 SECTION 26. The next to the last paragraph of said chapter  
2 is hereby amended by striking out, in line , the words "court of the  
city of Boston", and inserting in place thereof: --, courts of the  
cities of Boston or Cambridge.

## SECTION 27.

This act shall take effect upon its passage, so far as the  
appointing, commissioning and qualifying of the judge and clerk of the  
court hereby established are concerned; and it shall be in full force  
and effect, and the authority and jurisdiction of the court hereby  
established shall begin, on the first day of January, nineteen hundred  
and seventy-three.

2382

DEC -1 1971

House, No. ....

BILL

To the Honorable Senate and House of Representatives of The Commonwealth of Massachusetts  
in General Court assembled.

The undersigned, citizens of ....., respectfully  
petition for the passage of the accompanying bill or resolve, and/or for legislation

---

Petitioners are requested to sign names and addresses legibly.

Nicholas P. Mitropoulos  
9 Austin

Thomas AD Mahoney

9 Austin Park  
Cambridge, Mass. 02139

2d Middlesex, Cambridge

2382

DEC -1 1971

PETITION-HOUSE

Rep. *Mahoney*.....

of *Cambridge*.....

presents the petition of . Nicholas . P . .

. Nitropoulos . and . Thomas . H . . D .

. Mahoney . for . legislation . to

. establish . a . housing . court . *for*

. the . city . of . Cambridge . . . . .

PLEASE LEAVE THIS SPACE BLANK.

[Accompanied by bill, House, No. 1

HOUSE OF REPS., . . . . Jan. 10, 1972 .

*Referred, under Rule 28, to the committee on Rules, the question being on suspending Joint Rule*

*Wallace C. Mills* Clerk.

H. R., . . . . ., 19 .

**Joint Rule** **suspended.**

*Referred to the committee on*

*Sent up for concurrence.*

Clerk.

*Refer to Finance*

# City of Cambridge

MASSACHUSETTS

In City Council

19

	YEA	NAY	ABSENT
Mr. Clinton	✓		
Mr. Danehy	✓		
Mr. Duehay	✓		
Mrs. Graham	✓		
Mr. Moncreiff	✓		
Mr. Owens	✓		
Mr. Sullivan	✓		
Mr. Vellucci		✓	
Mayor Ackermann	✓		
	8	1	0

# City of Cambridge

In City Council,

May 22, 1972.

ORDERED:-

That the City Council go on record favoring the filing of An Act Establishing the Housing Court of the City of Cambridge, by amending the General Laws of the Commonwealth of Massachusetts by inserting after Chapter 185A the following Chapter 185B, Housing Court of the City of Cambridge.



# CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF  
THE CITY CLERK

May 19th, 1972.

To the Honorable, the City Council  
Cambridge, Massachusetts.

Gentlemen:-

I am transmitting herewith a copy of Chapter 185B of the General Laws, the same being An Act establishing the Housing Court of the City of Cambridge, said Act having been submitted to the City Council by Representative Thomas H. D. Mahoney for their approval.

Truly yours,

*Paul E. Healy*

City Clerk.

Communication from the City Clerk transmitting a copy of Chapter 185B of the General Laws, the same being An Act establishing the Housing Court of the City of Cambridge, said Act having been submitted to the City Council by Representative Thomas H. D. Mahoney for their approval

*Referred to Finance*

*Invent Sad Det Ct when to Det Ct appears  
114 Four of last five deems  
Det in Chapter 185 of 1870*