



City of Cambridge

2.

IN CITY COUNCIL

March 12, 1984

COUNCILLOR VELLUCCI

- WHEREAS: Chapter 185C of the General Laws creates a Housing Court Department of the Trial Court of the Commonwealth because of the special nature of housing problems arising in the City of Boston, in Worcester County and in Hampden County; and
- WHEREAS: Similar housing problems exist in the cities of Cambridge and Somerville, justifying creation of an Eastern Middlesex Division of the Housing Court Department to serve those cities; and
- WHEREAS: Such a housing court would relieve the crowded dockets of the Third Eastern Middlesex Division of the District Court Department, provide special attention to the housing crisis in Cambridge and Somerville, and promote effective enforcement of housing codes; therefore be it
- ORDERED: That the City Council of the City of Cambridge petition the General Court under Section 8(1) of Article 2, as amended by Article 89, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT ESTABLISHING THE EASTERN MIDDLESEX DIVISION OF THE HOUSING COURT DEPARTMENT".

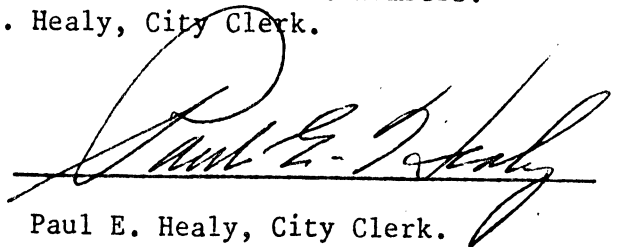
In City Council March 12, 1984.

Adopted by the affirmative vote of 6 members.

Attest:- Paul E. Healy, City Clerk.

A true copy;

ATTEST:-



Paul E. Healy, City Clerk.



The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND EIGHTY- Four

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:

SECTION 1. Section 1 of chapter 185C of the General Laws is amended by striking out the first sentence, as appearing in section 1 of chapter 575 of the acts of 1983, and inserting in its place the following sentence: - The housing court department established under section one of chapter two hundred and eleven B shall be composed of a division for Hampden county, a division for Worcester county, a division for eastern Middlesex county, and a division for the city of Boston.

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

The divisions of the housing court department shall have common law and statutory jurisdiction concurrent with the divisions of the district court department and the superior court department of all crimes and of all civil actions arising in the cities of Cambridge

NOTE. - Use ONE side of paper ONLY. DOUBLE SPACE. Insert additional leaves, if necessary.

and Somerville in the case of eastern Middlesex division, arising in the city of Boston in the case of that division, arising in the county of Hampden in the case of that division, and arising in the county of Worcester in the case of that division, under chapter forty A, sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H through one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of chapter ninety-three A, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, and two hundred and thirty-nine, jurisdiction under the provisions of common law and of equity and any other general or special law, ordinance, by-law, rule or regulation as is concerned directly or indirectly with the health, safety, or welfare or any occupant of any place used, or intended for use, as a place of human habitation and the possession, condition, or use of any particular housing accommodations or household goods or services situated therein or furnished in connection therewith. The divisions of the housing court department shall have jurisdiction of all housing problems, including all contract and tort actions which affect the health, safety and welfare of the occupants or owners thereof, arising within and affecting residents in the cities of Cambridge and Somerville, in the case of the eastern Middlesex division, in the city of Boston, in the case of that division, Hampden county, in the case of that division, and Worcester county, in the case of that division, and shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

SECTION 3. Section 4 of said chapter 185C, as most recently amended by section 3 of said chapter 575, is amended by adding at the end the following paragraph: -

The division of the housing court department for eastern Middlesex county shall hold its sittings in the court house facilities of the superior court department at Cambridge within Middlesex county, and with the consent of the chief administrative justice, such other court house facilities within said county as the administrative justice of the housing court department may deem to be expedient or convenient.

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

SECTION 5. Section 127G of chapter 111 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by section 5 of said chapter 575, and inserting in place thereof the following sentence:- The provisions of this section shall not apply to any case brought in the housing court of the city of Boston, the housing court of eastern Middlesex county, the housing court of the county of Hampden or the housing court of the county of Worcester.

SECTION 6. Section 86A of chapter 223 of the General Laws, as most recently amended by section 6 of said chapter 575, is hereby further amended by striking out the words "or housing court of the county of Worcester" and inserting in place thereof the words:- , housing court of the county of Worcester or housing court of eastern Middlesex county.

SECTION 7. Section 6 of chapter 224 of the General Laws, as most recently amended by section 7 of chapter 575, is hereby further amended by striking out the words "or in the housing court of the county of Worcester" and inserting in place thereof the words:- , in the housing court of the county of Worcester or in the housing court of eastern Middlesex county.

SECTION 8. Section 111 of chapter 231 of the General Laws, is hereby amended by striking out the first paragraph as appearing in section 8 of said chapter 575, and inserting in place thereof the following paragraph:-

A justice of the superior or land court or the judge of the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county, after verdict or after a finding of the facts by the court, may report the case for determination by the appeals court.

SECTION 9. Said chapter 231 is hereby further amended by striking out section 113, and inserting in place thereof the following section:-

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

SECTION 10. Chapter 261 of the General Laws is hereby amended by striking our section 8, as appearing in section 10 of said chapter 575, and inserting in place thereof the following section:-

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

SECTION 11. Section 4 of chapter 263 of the General Laws, is hereby amended by striking out the first paragraph, as appearing in section 11 of said chapter 575, and inserting in place thereof the following paragraph:-

No person shall be held to answer in any court for an alleged crime, except upon an indictment by a grand jury or upon a complaint before a district court, the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, the housing court of eastern Middlesex county, or in proceedings before a court-martial.

SECTION 12. Said chapter 263 is hereby further amended by striking out section 8A, as appearing in section 12 of said chapter 575, and inserting in place thereof the following section:-

Section 8A. A person shall not be held to answer in a district court or the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county, to a second complaint for an offense for which he has already been tried upon the merits in a district court or in the housing court of the city of Boston, the hous-

ing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county.

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

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

Section 10. Judicial Review.

(a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint against the board in the eastern Middlesex county division of the housing court department, or in the third eastern Middlesex division of the district court department, and thereupon an order of notice shall be issued by said court and served on the board. Said courts shall have concurrent original jurisdiction, subject to section twenty of chapter one hundred and eighty-five C of the General Laws, over such proceedings and shall be authorized to take such action with respect thereto as is provided in the case of the superior court department under the provisions of chapter two hundred and thirty-one A of the General Laws, except that section three of said chapter two hundred and thirty-one A shall not apply. All orders, judgments and decrees of either such court may be appealed as is provided in the case of a civil action in said court.

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

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

CAMBRIDGE

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.

Concetta Aeped Velucci	42 Porter Street Cambridge
David E. Sullivan	113 Inman St., Cambridge
Alan K. Kelly	48 Huron Ave Cambridge
Samira Graham	179 Western Ave
Tracy H. Smyth	26 Lowell Street
Robert W. Kelly	47 Newson Ave Lowell



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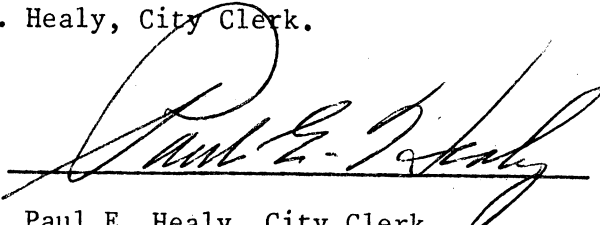
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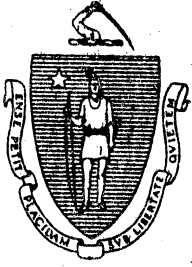
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and Somerville in the case of eastern Middlesex division, arising in the city of Boston in the case of that division, arising in the county of Hampden in the case of that division, and arising in the county of Worcester in the case of that division, under chapter forty A, sections twenty-one through twenty-five of chapter two hundred and eighteen, sections fourteen and eighteen of chapter one hundred and eighty-six and under so much of sections one hundred and twenty-seven A through one hundred and twenty-seven F, inclusive, and sections one hundred and twenty-seven H through one hundred and twenty-seven L, inclusive, of chapter one hundred and eleven, so much of chapter ninety-three A, so much of section sixteen of chapter two hundred and seventy, so much of chapters one hundred and forty-three, one hundred and forty-eight, and two hundred and thirty-nine, jurisdiction under the provisions of common law and of equity and any other general or special law, ordinance, by-law, rule or regulation as is concerned directly or indirectly with the health, safety, or welfare or any occupant of any place used, or intended for use, as a place of human habitation and the possession, condition, or use of any particular housing accommodations or household goods or services situated therein or furnished in connection therewith. The divisions of the housing court department shall have jurisdiction of all housing problems, including all contract and tort actions which affect the health, safety and welfare of the occupants or owners thereof, arising within and affecting residents in the cities of Cambridge and Somerville, in the case of the eastern Middlesex division, in the city of Boston, in the case of that division, Hampden county, in the case of that division, and Worcester county, in the case of that division, and shall also have jurisdiction in equity, concurrent with the divisions of the district court department, the divisions of the probate and family court department, the superior court department, the appeals court, and the supreme judicial court, of all cases and matters so arising.

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

SECTION 5. Section 127G of chapter 111 of the General Laws is hereby amended by striking out the last sentence, as most recently amended by section 5 of said chapter 575, and inserting in place thereof the following sentence:- The provisions of this section shall not apply to any case brought in the housing court of the city of Boston, the housing court of eastern Middlesex county, the housing court of the county of Hampden or the housing court of the county of Worcester.

SECTION 6. Section 86A of chapter 223 of the General Laws, as most recently amended by section 6 of said chapter 575, is hereby further amended by striking out the words "or housing court of the county of Worcester" and inserting in place thereof the words:- , housing court of the county of Worcester or housing court of eastern Middlesex county.

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SECTION 11. Section 4 of chapter 263 of the General Laws, is hereby amended by striking out the first paragraph, as appearing in section 11 of said chapter 575, and inserting in place thereof the following paragraph:-

No person shall be held to answer in any court for an alleged crime, except upon an indictment by a grand jury or upon a complaint before a district court, the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, the housing court of eastern Middlesex county, or in proceedings before a court-martial.

SECTION 12. Said chapter 263 is hereby further amended by striking out section 8A, as appearing in section 12 of said chapter 575, and inserting in place thereof the following section:-

Section 8A. A person shall not be held to answer in a district court or the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county, to a second complaint for an offense for which he has already been tried upon the merits in a district court or in the housing court of the city of Boston, the hous-

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

CAMBRIDGE

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.

Councilor Aeped Vellucci	42 Porter Street Cambridge
David E. Sullivan	113 Inman St., Cambridge
Alan K. Wasy	48 Huron Ave Cambridge
Joanna Graham	189 Western Ave
Wm. H. Dwyer	26 Lowell Street
Robert W. Katz	47 Harrison Ave Lowell



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 498-9017

OFFICE OF
THE CITY CLERK

March 14, 1984

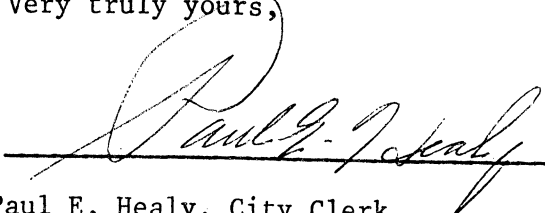
Mr. Robert McQueen
House Clerk
House of Representatives
The State House
Boston, MA 02133

Dear Mr. McQueen:

Pursuant to the request of the City Council, I am forwarding to you for filing with the Massachusetts House of Representatives the attached Home Rule legislation entitled "AN ACT ESTABLISHING THE EASTERN MIDDLESEX DIVISION OF THE HOUSING COURT DEPARTMENT". Also enclosed please find an order adopted by the Cambridge City Council on March 12, 1984 approving the filing of this legislation.

Thank you for your cooperation in this matter.

Very truly yours,


Paul E. Healy, City Clerk.

PEH/mh

Enclosures



City of Cambridge

2.

IN CITY COUNCIL

March 12, 1984

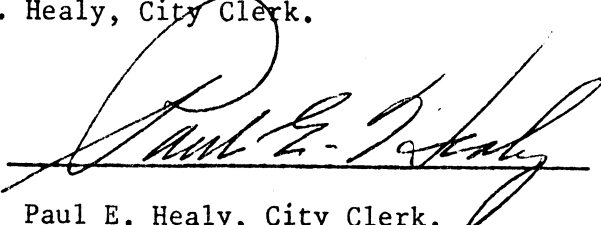
COUNCILLOR VELLUCCI

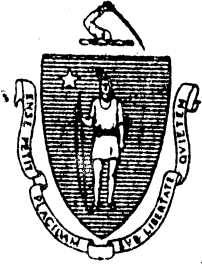
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SECTION 11. Section 4 of chapter 263 of the General Laws, is hereby amended by striking out the first paragraph, as appearing in section 11 of said chapter 575, and inserting in place thereof the following paragraph:-

No person shall be held to answer in any court for an alleged crime, except upon an indictment by a grand jury or upon a complaint before a district court, the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, the housing court of eastern Middlesex county, or in proceedings before a court-martial.

SECTION 12. Said chapter 263 is hereby further amended by striking out section 8A, as appearing in section 12 of said chapter 575, and inserting in place thereof the following section:-

Section 8A. A person shall not be held to answer in a district court or the housing court of the city of Boston, the housing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county, to a second complaint for an offense for which he has already been tried upon the merits in a district court or in the housing court of the city of Boston, the hous-

ing court of the county of Hampden, the housing court of the county of Worcester, or the housing court of eastern Middlesex county.

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

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

Section 10. Judicial Review.

(a) Any person who is aggrieved by any action, regulation or order of the board may file a complaint against the board in the eastern Middlesex county division of the housing court department, or in the third eastern Middlesex division of the district court department, and thereupon an order of notice shall be issued by said court and served on the board. Said courts shall have concurrent original jurisdiction, subject to section twenty of chapter one hundred and eighty-five C of the General Laws, over such proceedings and shall be authorized to take such action with respect thereto as is provided in the case of the superior court department under the provisions of chapter two hundred and thirty-one A of the General Laws, except that section three of said chapter two hundred and thirty-one A shall not apply. All orders, judgments and decrees of either such court may be appealed as is provided in the case of a civil action in said court.

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

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

CAMBRIDGE

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.

Concetta Depeol Velucci	42 Porter Street Cambridge
David E. Sullivan	113 Inman St., Cambridge
Alan K. Kelly	48 Huron Ave Cambridge
Samundra Graham	189 Western Ave
Wm. H. Smyth	26 Lowell Street
Robert W. Kelly	47 Harrison Ave Lowell



City of Cambridge

(original order)

2.

IN CITY COUNCIL

March 12, 1984

COUNCILLOR VELLUCCI

WHEREAS: Chapter 185C of the General Laws creates a Housing Court Department of the Trial Court of the Commonwealth because of the special nature of housing problems arising in the City of Boston, in Worcester County and in Hampden County; and

WHEREAS: Similar housing problems exist in the cities of Cambridge and Somerville, justifying creation of an Eastern Middlesex Division of the Housing Court Department to serve those cities; and

WHEREAS: Such a housing court would relieve the crowded dockets of the Third Eastern Middlesex Division of the District Court Department, provide special attention to the housing crisis in Cambridge and Somerville, and ~~promote expert review of decisions of the Cambridge Rent Control Board~~; therefore be it ~~it~~ *promote effective enforcement of Rent Control Codes*

ORDERED: That the City Council of the City of Cambridge petition the General Court under Section 8(1) of Article 2, as amended by Article 89, of the Amendments to the Constitution, to enact the attached special law entitled "AN ACT ESTABLISHING THE EASTERN MIDDLESEX DIVISION OF THE HOUSING COURT DEPARTMENT".

Order #2
S-159

C. Vellucci order re: City of Cambridge
petition the General Court under Section
8(1) of Article 2, as amended by Article
89, of the Amendments to the Constitution,
to enact the attached special law entitled
"AN ACT ESTABLISHING THE EASTERN MIDDLESEX
DIVISION OF THE HOUSING COURT DEPARTMENT".

In City Council,

March 12, 1984

3/12/84

OK Order Adopted

-6-