



Town of Barnstable
Office of Town Clerk
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Ann M. Quirk, CMC
Town Clerk

May 16, 2014

TO WHOM IT MAY CONCERN:

Please be advised that the following is a true copy of an item duly passed by the Barnstable Town Council on May 15, 2014.

**2014-127 RESOLVE IN SUPPORT OF LEGISLATION IN THE
CURRENT SESSION TO EXPAND THE JURISDICTION OF THE
HOUSING COURT DEPARTMENT INTRO: 04/17/14, 05/01/14, 05/15/14**

Upon a motion that was duly made and seconded it was
RESOLVED: that the Town Council of the Town of Barnstable directs the Town manager to express the Town's full support for the enactment of the subject legislation before the completion of the current legislative session, and to take all steps necessary to engage our legislative delegation, an others, to achieve this outcome in 2014.

VOTE: Passes 11 Yes (Steinhilber out of room)

Sincerely,

Ann M Quirk, CMC
Town Clerk/Town of Barnstable

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2014-127
INTRO: 04/17/14, 05/01/14

2014-127 RESOLVE IN SUPPORT OF LEGISLATION IN THE CURRENT SESSION TO EXPAND THE JURISDICTION OF THE HOUSING COURT DEPARTMENT

RESOLVED: that the Town Council of the Town of Barnstable directs the Town manager to express the Town's full support for the enactment of the subject legislation before the completion of the current legislative session, and to take all steps necessary to engage our legislative delegation, an others, to achieve this outcome in 2014.

SPONSOR: Councillor Paul Hebert

DATE	ACTION TAKEN
<u>04/17/14</u>	<u>Moved to 2nd reading 05/01/14</u>
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-127
INTRO: 04/17/14, 05/01/14

SUMMARY

TO: Town Council
FROM: Councillor Paul Hebert
DATE: April 8, 2014
SUBJECT: Support of pending legislation in the current session that would expand the housing court department jurisdiction, statewide

RATIONALE:

1. There is currently pending before the General Court a bill entitled, "An Act relative to the geographical jurisdiction of the Housing Court Department", which would expand the Court's jurisdiction to the entire Commonwealth, creating a statewide Court with injunctive and equity powers that would greatly add to effective resolution of disputes.
2. The jurisdiction of the Housing Court Department of the Massachusetts Trial Court now covers about 80% of the Commonwealth geographically and about 69% of the Commonwealth's citizens, but does not currently cover Barnstable, Dukes, or Nantucket Counties.
3. The Housing Court has developed a high level of specialized expertise in successfully handling the multitude of housing issues that come to the Court.
4. The Housing Court enjoys an excellent reputation in handling housing-related matters expeditiously and at significant cost savings to all parties coming before it.
5. The Housing Court is set up to quickly and efficiently respond to emergencies as well as building, fire, zoning, and sanitary code violations, and
6. The Housing Court has proven to be a wonderful asset to both Landlords and Tenants, Municipalities and others in achieving just and fair resolutions of disputes for all parties quickly and cost-effectively.
7. The First Barnstable District Court, which currently has jurisdiction over all Barnstable matters, is one of the busiest District Courts in the Commonwealth and its overwhelming case load often contributes to significant delays and added costs to parties seeking a quick resolution of their differences.
8. The state's district courts do not have the power to issue injunctions nor general equity powers to compel action at the direction of the court, tools that would be invaluable in enforcement of parties' rights determined by Court order.
9. The bill has received widespread support from housing advocates, municipalities, housing authorities, code enforcement authorities, and state and local bar associations, among others. Additionally, there is an urgent need to expand the Housing Court jurisdiction to the entire Commonwealth and that doing so will promote and protect the wide variety of housing interests, whose access to the court system is currently limited by competing caseloads, thereby delaying justice for all parties.
10. The current bill would, if enacted, greatly expand timely access to justice in a highly specialized Court with trained housing specialist and highly experienced jurists