

HOUSING COURT DEPARTMENT
SPECIAL ORDER

With the passage of Chapter 47 of the Acts of 2017, the so call Housing Court Expansion, the following order will remain in effect until modified or rescinded, as per the authority granted in c.211B, s.10.

The Eastern (Boston), Northeastern, Central (Worcester), and Southeastern Divisions will accept new filings and transfers of cases from other Trial Court Departments from their newly gained geographic communities effective with the date of this order. Each of these four Divisions will commence new session locations, if necessary, once available courtroom space is acquired.

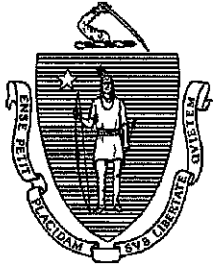
The Central Division will retain jurisdiction over filings from the community of Bellingham until such time that the new Metro South Division becomes operational. This Division will retain jurisdiction over filings through September 30,2017 from the communities of Ashby, Townsend and Devens, until completion. After September 30, the parties will be directed to the Northeast Division for filing.

The Southeast Division will retain jurisdiction over filings from the communities of Abington, Bridgewater, Brockton, East Bridgewater, West Bridgewater and Whitman until such time that the new Metro South Division becomes operational.

The judges, magistrates, housing specialists and clerical personnel of the Central, Northeastern and Southeastern Divisions are hereby designated as “transferred” to other divisions so as to comply with the preceding two paragraphs.



Timothy F. Sullivan
Chief Justice
Housing Court Department
July 1,2017



Paul C. Dawley
Chief Justice

Trial Court of the Commonwealth District Court Department

Administrative Office
Edward W. Brooke Courthouse
24 New Chardon Street, 1st Floor
Boston, MA 02114-4703

TRANSMITTAL NO.	1211
Last Transmittal No. to:	
First Justices	1210
Other Judges	1210
Clerk-Magistrates	1210
Assistant Clerk-Magistrates	1210
CPOs	1210

MEMORANDUM

TO: District Court Judges, Clerk-Magistrates, Assistant Clerk-Magistrates, and Chief Probation Officers

FROM: Hon. Paul C. Dawley, Chief Justice

DATE: August 16, 2017

SUBJECT: **Housing Court Statewide Expansion**

1. Legislation. Governor Baker recently signed legislation expanding the Housing Court Department. Effective immediately, this law creates a new division of the Housing Court Department, expands the jurisdiction of four of the existing Housing Court divisions and adds five new Housing Court judges. Attached is a copy of Chapter 47 of the Acts of 2017, subsections 78-82, effective July 1, 2017. The expansion continues the concurrent jurisdiction, with the District Court, now applicable to the existing Housing Court Department. A chart depicting the jurisdiction of each of the newly established Housing Court Divisions is attached.

The following are changes to the geographical jurisdiction contained in the new law:

- The new Metro South Division will include all the municipalities in Norfolk County except Brookline, and the municipalities included in the jurisdiction of the Brockton District Court;
- The jurisdiction of the Central Division has been expanded to include the municipalities included in the jurisdiction of the Framingham and Natick District Courts;
- The Eastern Division of the Housing Court will now include the municipalities of the Cambridge, Somerville, and Chelsea District Courts as well as Brookline and Newton;
- The Northeast Division has been expanded to include the municipalities included in the jurisdiction of the Ayer, Concord, Malden, Waltham and Woburn District Courts; and
- The Southeast Division of the Housing Court has been expanded to include the municipalities included in the jurisdiction of the Barnstable, Falmouth, Orleans, Edgartown District Courts and Nantucket.

The jurisdiction of the Western Division of the Housing Court is unchanged and includes all municipalities located in the Berkshire, Franklin, Hampden and Hampshire Counties.

2. Transfer of Cases with Concurrent Jurisdiction to the Housing Court. Matters pending in the District Court over which the Housing Court has concurrent jurisdiction should be transferred to the Housing Court upon the timely filing of a notice of transfer by either party. The Housing Court has concurrent jurisdiction with the District Court over those matters related directly or indirectly to the health, safety, or welfare of an occupant of any place of habitation governed by general or special laws, including actions sounding in contract or tort. See *Fed. Nat'l Mortgage Assoc. v. Rego*, 474 Mass. 329, 338-39 (2016); *Springfield Housing Auth. v. Burgos*, 32 Mass. App. Ct. 673, 677, rev. denied, 413 Mass. 1104 (1992). Accordingly, Small Claim and civil matters which concern the health, safety, or welfare of any occupant arising out of premises used for human habitation should be transferred upon the timely filing of a notice of transfer by either party.

As was previously the case, commercial property matters, including commercial leases, are not included in the concurrent jurisdiction of the Housing Court. Accordingly, summary process actions, or other civil cases relating to commercial property should not be transferred.

When any party before the District Court seeks to transfer a civil action, summary process or small claims matter that is within the concurrent jurisdiction of the Housing Court to the Housing Court pursuant to G.L. c. 185C, § 20, either party may prepare and file a "Notice of Transfer" rather than a motion to the court. The notice should, of course, be served on the other parties, as well as the relevant division of the Housing Court. Since the removal is of right, and thus no exercise of judicial discretion is called for, the timely filing of the notice of transfer is sufficient. If, upon review of the Notice of Transfer, the clerk is unable to determine whether or not there is concurrent jurisdiction with the Housing Court, the clerk may refer the matter to a judge. If the question arises in a small claims case the clerk may make his own determination of whether the Housing Court has concurrent jurisdiction. There is no removal fee or new filing fee for this transfer. A proposed form Notice of Transfer is attached, and will be available on www.mass.gov/courts.

As the legislation is effective immediately, any District Court receiving a notice of transfer to one of the existing Housing Court Divisions, should as soon as possible note the transfer on the docket and forward a copy of the case to the appropriate Housing Court Division.

MassCourts has existing codes for docketing this notice, and users can select one of the below docket codes to properly record the transfer to the Housing Court:

CRHCCV – Case removed to Housing Court by [Party] (G.L. c.185C §20). CV case type.

CRHCSC – Case removed to Housing Court by [Party] (G.L. c.185C §20; Uniform Small Claims Rule 4(b)). SC case type

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CRHCSU – Case removed to Housing Court by [Party] (G.L. c.185C §20; Uniform Summary Process Rule 4). SU case type

We are in the process of updating MassCourts to include a new code to reflect the filing of the notice as follows:

HCRN – Notice of removal to the Housing Court Department pursuant to G.L. c. 185C, § 20, Rule 4 of the Uniform Summary Process Rules and/or Rule 4(b) of the Uniform Small Claims Rules filed.

3. New Metro South Division and the Cross Designation of District Court. The newly established Metro South Division is not yet currently operational. As a temporary measure and until that division becomes operational, if a transfer to the Metro South Division is received by a District Court in that jurisdiction, the cases will continue to be processed and heard in the District Court. At the joint request of Housing Court Chief Justice Timothy Sullivan and me, Trial Court Chief Justice Paula M. Carey will temporarily designate all District Court judges and staff sitting in those courts to serve as Housing Court judges and staff. Any new filings in the newly established Metro South Division will be referred to the District Court for filing until such time as the Metro South Division becomes operational.

Housing Court Jurisdiction

Western Division	Central Division	Northeastern Division	Southeastern Division	Metro South Division	Eastern Division
Chicopee	Clinton	Ayer	Attleboro	Brockton	Brookline
Eastern Hampshire	Dudley	Concord	Barnstable	Dedham	Cambridge
Greenfield	East Brookfield	Gloucester	Edgartown	Quincy	Chelsea
Holyoke	Fitchburg	Haverhill	Fall River	Stoughton	Newton
Northern Berkshire	Framingham	Ipswich	Falmouth	Wrentham	Somerville
Northampton	Gardner	Lawrence	Hingham		
Orange	Leominster	Lynn	Nantucket		
Palmer	Marlborough	Lowell	New Bedford		
Pittsfield	Milford	Malden	Orleans		
Southern Berkshire	Natick	Newburyport	Plymouth		
Springfield	Uxbridge	Peabody	Taunton		
Westfield	Westborough	Salem	Wareham		
	Winchendon	Waltham			
	Worcester	Woburn			

**NOTICE OF TRANSFER
TO HOUSING COURT**

DOCKET NO.:
COURT DIVISION

**Trial Court of Massachusetts
District Court Department**



PLAINTIFF/LANDLORD

DEFENDANT/TENANT

Notice of Transfer to Housing Court

The undersigned Attorney for Plaintiff/Landlord Defendant/Tenant says that a trial has not yet begun in this originating court, that this action is within the subject matter and geographic jurisdiction of the Housing Court, M.G.L. c. 185C, §§ 3 and 20, and that a copy of this transfer notice has been served upon all opposing parties as listed below.

Signature and Date

Name

Address

Telephone Number

Copies of Transfer Notice to be provided to: