

HOUSING COURT DEPARTMENT

STATISTICAL BREAKDOWN FOR FISCAL YEAR 2003

	<u>Boston</u>	<u>Northeast</u>	<u>Southeast</u>	<u>Western</u>	<u>Worcester</u>
<u>Criminal</u>	2,201	631	1,183	1,938	899
<u>Summary Process</u>	5,841	3,253	4,602	5,040	3,604
<u>Small Claims</u>	735	151	205	541	328
<u>Civil Cases</u>	1,155	180	695	1,756	899
<u>Supplementary** Process</u>	25	0**	29	41	0**

* Under the jurisdictional grant referred to in the introduction, the Housing Court has jurisdiction of certain crimes concurrent with the District Court and the Superior Court. Criminal proceedings are commenced under G.L. c. 185C, §19. The Housing Court, however, need not “exactly duplicate” the procedure followed in the District Court. An example of permissible deviation from District Court procedure is that a complainant in the Housing Court swears out a complaint, while the District Court requires an application for a complaint to issue. Such minor differences aside, the Housing Court still must adhere to the notice and hearing procedures set forth in G.L. c. 35A. Such a system seems particularly appropriate for cases in the Housing Court involving allegations of unsafe or unhealthy living conditions, because “[t]he primary purpose of the [sanitary] code is to prevent violations rather than to punish past violations as criminal offenses.” *Commonwealth v. Haddad*, 364 Mass. 795, 799 (1974). Many criminal cases filed in the Housing Court result in dismissals following the defendant’s elimination of the violations. Because of this approach, the Chief Justice has concluded that in criminal cases, the complaint is counted when the complaint is sworn out rather than when it issues.

** Because of the increased fees for supplementary proceeding, which is more than charged in the District Court Department, the Northeastern Division and Worcester County Divisions address collection issues through post-trial Motions to Enforce Judgments.