

HOUSE No. 1912

The Commonwealth of Massachusetts

PRESENTED BY:

Brian W. Murray

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

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the land court permit session.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/14/2025</i>

HOUSE No. 1912

By Representative Murray of Milford, a petition (accompanied by bill, House, No. 1912) of Brian W. Murray relative to the land court permit session. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to the land court permit session.

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

1 SECTION 1. Section 3A of chapter 185 of the General Laws is hereby amended by
2 striking out the fourth paragraph and inserting in place thereof the following paragraph:- .

3 Notwithstanding any other general or special law to the contrary, any action not
4 commenced in the permit session and not claiming a valid right to a jury trial, but within the
5 jurisdiction of the permit session as provided in this section, shall be transferred to the permit
6 session, upon the filing by any party of a notice demonstrating compliance with the jurisdictional
7 requirements of this section filed with the court where the action was originally commenced with
8 a copy to the permit session, both within thirty (30) days after service of the complaint on the last
9 served defendant. Such notice of transfer shall be signed pursuant to Rule 11 of the
10 Massachusetts Rules of Civil Procedure, shall contain a short and plain statement of: (1) the
11 grounds for permit session jurisdiction and (2) the absence of a valid claim for a jury trial.
12 Copies of all process, pleadings, and orders appearing in the case file as of the filing of the notice
13 of transfer shall be attached to the copy of the notice given to the permit session. The party filing

14 the notice of transfer shall within seven days send a copy of the notice by certified mail to all
15 other parties and file with both the court where the action was originally commenced and the
16 permit session an affidavit that such copy was sent to all other parties. Upon the filing of such
17 notice of transfer with the court where the action was originally commenced, all times for filing
18 responsive pleadings shall be automatically suspended, and the court where the action was
19 originally commenced shall proceed no further with the action unless and until the case is
20 remanded to it, and the matter shall be heard and decided in the Land Court permit session,
21 subject to a remand order. Within thirty days of the filing of the notice of transfer or unless the
22 court for good cause allows a longer time, a party may file a motion with the Land Court to
23 remand the matter back to the original court, such motion setting forth the grounds for remand
24 with particularity. Alternatively, a judge of the Land Court may sua sponte issue an order to
25 show cause why such matter should not be remanded back to the original court. An order of
26 remand may be issued only upon good cause and for reasons articulated in a ruling by a Land
27 Court judge. If a party to an action commenced in or transferred to the permit session claims a
28 valid right to a jury trial, then the action shall be transferred to the superior court for a jury trial.
29 Nothing herein shall be interpreted to abrogate any of the supervisory powers of the Chief Justice
30 of the Trial Court under General Law Chapter 211B, Section 9.

31 SECTION 2. Section 2 of chapter 211B of the General Laws is hereby amended by
32 striking out, in line 2, the figure “7” and inserting in place thereof the following figure:— 8.