

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Hannah Kane

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 to expedite the transfer of cases to the permit session of land court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/8/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act to expedite the transfer of cases to the permit session of land court.

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, as appearing in the 2022
2 Official Edition, is hereby amended by striking the fourth paragraph in its entirety and inserting
3 in place thereof the following:

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

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