

# The Massachusetts Court System

There are both federal and state courts in Massachusetts. Typical landlord-tenant matters can be addressed in state court. The Massachusetts state court system has three levels:

- Trial courts
- Appeals courts
- Supreme Judicial Court

## Trial Courts

The trial court is where you first file a complaint. In Massachusetts, the trial court system has different types of courts including the housing court, the district court, and the superior court. What court you go to depends on where you live, what the case is about, and how much money the case involves. Most housing cases are filed in either housing or district court. Your area may not have access to both. In general, housing court is an advantageous option because you'll find the judges and staff have more knowledge about housing issues.

## 1. The Housing Court

Housing courts handle a variety of issues about housing, including housing code violations, evictions, lockouts, housing discrimination, and receiverships. Housing courts also handle small claims and criminal complaints. In most cases, the staff in a housing court will be well-informed on landlord-tenant issues, so it is recommended that you choose a housing court over a district court when both are available.

While housing courts are best equipped to deal with landlord and tenant matters, housing courts are not yet available in every part of Massachusetts. Currently, there are five housing courts:

- Boston Housing Court
- Worcester County Housing Court
- Northeast Housing Court
- Southeast Housing Court
- Western Housing Court

Phone numbers for housing courts are listed in the **Directory**.

The Housing Court also has a website with forms and information about court locations, contact information, fees and frequently asked questions. Go to:

[www.mass.gov/courts/court-info/trial-court/hc/](http://www.mass.gov/courts/court-info/trial-court/hc/)

## **2. The District Court**

District courts have the greatest number of locations throughout the state. Districts courts handle minor criminal offenses, civil cases under \$25,000, eviction cases, and small claims cases (for \$7,000 or less).

For a list of district courts, see the Directory. For more information about the District Courts go to: [Massachusetts District Courts](#)

## **3. Superior Court**

Superior courts handle criminal cases and civil cases over \$25,000. They also handle appeals of certain agency proceedings.

## **4. Boston Municipal Court**

The Boston Municipal Court serves the City of Boston, and generally functions like a district court. It handles minor criminal offenses, civil cases under \$25,000, eviction cases, and small claims cases (for \$7,000 or less). Because housing court coverage overlaps with Boston Municipal Court, you may want to choose the Boston Housing Court for landlord tenant matters.

For a list of Boston Municipal Courts, see the [Directory](#) or [their website](#)

## **5. Landlord Bankruptcy**

If your landlord has a bankruptcy case in progress, you cannot bring a lawsuit against her in housing or district court. If you want your complaint heard by a judge, you must go before the U.S. Bankruptcy Court in the District of Massachusetts. You can ask the bankruptcy court to hear your complaint. Or you can ask the bankruptcy court for permission to have your case heard in housing or district court.

If you are trying to get back your security deposit, Massachusetts law says that a security deposit is not part of your landlord's property for the purposes of a bankruptcy proceeding. This means that the landlord cannot use your security deposit to pay off other debts. If she does this is illegal.

If you had security deposit claim against your landlord before the landlord files a bankruptcy case, you can file court papers in the bankruptcy court and ask the bankruptcy court to protect your claim. This means that the landlord cannot use the bankruptcy case to get out of owing you your security deposit.

If your security deposit claim arises after the landlord starts a bankruptcy case, you can either wait to raise the claim until after the bankruptcy case is over or ask the bankruptcy court for permission to bring the case outside of the bankruptcy court by filing what is called a motion for relief from stay.

To see if your landlord has declared bankruptcy, you can call the bankruptcy court in Boston (617-748-5300), Worcester (508-770-8900) or Springfield (413-785-6900). The U.S. Bankruptcy Court is part of the federal court system. For more information, see the [Massachusetts Bankruptcy Court website](#).