

HOUSE No. 1401

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 defense of private property rights through the prevention of abusive eminent domain takings in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>

David T. Vieira

3rd Barnstable

HOUSE No. 1401

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1401) of Bradley H. Jones, Jr. and others for legislation to prohibit eminent domain takings for the purpose of economic development. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1397 OF 2013-2014.]

The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court
(2015-2016)
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An Act relative to the defense of private property rights through the prevention of abusive eminent domain takings in the Commonwealth.

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. Chapter 79 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by inserting after section 1 the following new section:

3 Section 1A. The taking of real estate or of any interest therein by right of eminent
4 domain under this chapter or chapter 80A shall be effected only when necessary for the
5 possession, occupation, and enjoyment of land by the public at large or by public agencies and
6 shall not be effected for the purpose of commercial enterprise, private economic development, or
7 any private use of the property. Property shall not be taken from one owner and transferred to
8 another on the grounds that the public will benefit from a more profitable use. Whenever an
9 attempt is made to take property for a use alleged to be public, the question whether the

10 contemplated use is truly public shall be a judicial question and determined as such without
11 regard to any legislative assertion that the use is public. In the event that property taken pursuant
12 to this chapter of chapter 80A is not used for the purpose for which it was taken within 5 years of
13 the taking, the governmental authority that took the property must offer to sell the property to the
14 owner from whom it was acquired, or his or her known or ascertainable heirs or assigns, at the
15 price which was paid for the property or for the fair market value of the property at the time of
16 the sale, whichever is less, and if the offer is not accepted within 180 days from the date it is
17 made, the property may be sold to any other person, but only at public sale after legal notice is
18 given

19 SECTION 2. This act shall take effect upon its passage.