

HOUSE No. 1397

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:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/17/2013</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>	<i>1/29/2013</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/30/2013</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/18/2013</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>	<i>1/25/2013</i>
<i>Donald Humason</i>		
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	
<i>Paul K. Frost</i>	<i>7th Worcester</i>	
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>	
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	
<i>Todd M. Smola</i>	<i>1st Hampden</i>	
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>	

HOUSE No. 1397

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1397) 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. 2190 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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

2 SECTION 1. Chapter 79 of the General Laws, as appearing in the 2010 Official Edition,
3 is hereby amended by inserting after section 1 the following new section:

4 Section 1A. The taking of real estate or of any interest therein by right of eminent
5 domain under this chapter or chapter 80A shall be effected only when necessary for the
6 possession, occupation, and enjoyment of land by the public at large or by public agencies and
7 shall not be effected for the purpose of commercial enterprise, private economic development, or
8 any private use of the property. Property shall not be taken from one owner and transferred to
9 another on the grounds that the public will benefit from a more profitable use. Whenever an
10 attempt is made to take property for a use alleged to be public, the question whether the
11 contemplated use is truly public shall be a judicial question and determined as such without
12 regard to any legislative assertion that the use is public. In the event that property taken pursuant
13 to this chapter of chapter 80A is not used for the purpose for which it was taken within 5 years of
14 the taking, the governmental authority that took the property must offer to sell the property to the
15 owner from whom it was acquired, or his or her known or ascertainable heirs or assigns, at the
16 price which was paid for the property or for the fair market value of the property at the time of

17 the sale, whichever is less, and if the offer is not accepted within 180 days from the date it is
18 make, the property may be sold to any other person, but only at public sale after legal notice is
19 given

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