

HOUSE No. 3631

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 establishing a state board of appeals for municipal matters.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/20/2017</i>

HOUSE No. 3631

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3631) of Paul McMurtry for legislation to establish a division of municipal appeals. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a state board of appeals for municipal matters.

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 4H of chapter 7 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “to”, in line 11, the following
3 words: section 63 and.

4 SECTION 2. Chapter 7 of the General Laws is hereby amended by adding the following
5 section:-

6 Section 63. (a) There shall be within the executive office for administration and finance a
7 division of municipal appeals. The director of the office shall be appointed by the governor. It
8 shall be the responsibility of the director to organize the division to provide speedy and fair
9 disposition of all municipal appeals, in the absence of a right to municipal appeal, and to
10 establish policies that will encourage and aid parties in resolving disputes.

11 (b) The director shall not hear any appeal for which a citizen of the city or town currently
12 has the right to appeal a decision of a municipal board. The division of municipal appeals shall

13 hear all appeals of city and town matters in the absence of the right to municipal appeal. Nothing
14 in this section shall limit the right to any party to appeal a decision where a local appeal process
15 exists.

16 (c) The division may summon witnesses, administer oaths and require the production of
17 books, records and papers at any hearing before the division, upon any matter within its
18 jurisdiction. Witnesses may be summoned by any party to the proceeding in the same manner, be
19 paid the same fees and be subject to the same penalties as witnesses in civil cases before the
20 courts of the commonwealth. Upon hearing the appeal, the director shall issue a final decision,
21 which shall be binding on the parties. It shall be the responsibility of the director to verify that
22 written final decisions are issued within 90 days after the record is closed.

23 (d) Upon a showing that the decision of the division of municipal appeals was arbitrary
24 or capricious, an aggrieved party may file an appeal of the decision with chief administrative
25 magistrate of the division of administrative law appeals as provided for in section 4H of chapter
26 7.

27 (e) The director shall prepare annually a report concerning all appeals filed with the
28 division during the preceding calendar year.