

**HOUSE . . . . . No. 3397**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Joseph W. McGonagle, 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 to streamline housing production through abutter appeals reform.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Peter Capano</i>	<i>11th Essex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>

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By Mr. McGonagle of Everett, a petition (accompanied by bill, House, No. 3397) of Joseph W. McGonagle, Jr., and others relative to judicial review for persons aggrieved by decisions of boards of appeals or special permit granting authorities. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
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An Act to streamline housing production through abutter appeals reform.

*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 17 of chapter 40A of the General Laws, as appearing in the 2012 Official Edition,  
2 is hereby amended by inserting after the second paragraph the following paragraph:

3           The court, in its discretion, may require non-municipal plaintiffs in an action under this  
4 section to post a surety or cash bond in an amount not to exceed \$15,000 to secure the payment  
5 of costs in appeals of decisions approving special permits, variances and site plans where the  
6 court finds that the harm to the defendants or to the public interest resulting from the delays of  
7 appeal outweighs the burden of the surety or cash bond on plaintiffs. When making a decision  
8 regarding surety or cash bond requirements, the court may consider the relative merits of the  
9 appeal and the relative financial means of the appellant and the defendants.