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# 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:	DATE ADDED:
Joseph W. McGonagle, Jr.	28th Middlesex	1/16/2019
Tommy Vitolo	15th Norfolk	1/28/2019
Kevin G. Honan	17th Suffolk	1/29/2019
Natalie M. Higgins	4th Worcester	1/29/2019
Kay Khan	11th Middlesex	1/30/2019
Daniel J. Hunt	13th Suffolk	1/31/2019
David M. Rogers	24th Middlesex	1/31/2019
Mary S. Keefe	15th Worcester	1/31/2019
Thomas P. Walsh	12th Essex	1/31/2019
Diana DiZoglio	First Essex	1/31/2019
Mike Connolly	26th Middlesex	1/31/2019
Jack Patrick Lewis	7th Middlesex	2/1/2019
Brian W. Murray	10th Worcester	2/1/2019
Peter Capano	11th Essex	2/1/2019
Julian Cyr	Cape and Islands	2/1/2019

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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.

## The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court (2019-2020)

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.