

HOUSE No. 1688

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>2/9/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/25/2021</i>
<i>Norman J. Orrall</i>	<i>12th Bristol</i>	<i>2/26/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/26/2021</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>3/11/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/24/2021</i>

HOUSE No. 1688

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1688) of Bradley H. Jones, Jr., and others for legislation to prohibit eminent domain takings for the purpose of economic development. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 2018 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 or 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.