

SENATE No. 1320

The Commonwealth of Massachusetts

PRESENTED BY:

Michael D. Brady

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 emergency action on FEMA Flood Insurance Rate Maps.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/26/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/26/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>3/1/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>3/8/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>4/21/2021</i>

SENATE No. 1320

By Mr. Brady, a petition (accompanied by bill, Senate, No. 1320) of Michael D. Brady, Susan Williams Gifford, Mathew J. Muratore, Jason M. Lewis and others for legislation relative to zoning for flood insurance rate maps by cities and towns. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4720 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to emergency action on FEMA Flood Insurance Rate Maps.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for any community to maintain compliance with the National Flood Insurance, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding section 5 of chapter 40A of the General Laws or any other general or
2 special law, charter provision, ordinance or by-law to the contrary, during the governor’s March
3 10, 2020 declaration of state of emergency related to COVID-19 and for a period of thirty (30)
4 days after the termination of the state of emergency, the board of selectmen or select board in a
5 town having a town meeting form of government may, by a two-thirds vote of the full board,
6 adopt or amend any zoning by-law to maintain compliance with the National Flood Insurance
7 Program and to incorporate updated flood hazard areas as required by the Flood Insurance Rate

8 Maps prepared by the Federal Emergency Management Agency: provided , however, that said
9 action by the board of selectmen or select board may only be taken following a public hearing on
10 any such zoning by-law or amendment conducted by the planning board pursuant to section 5 of
11 chapter 40A of the General Laws; and provided further that no zoning by-law or amendment
12 acted unfavorably upon by the board of selectmen or the select board shall be precluded from
13 being considered by town meeting following the termination of the state of emergency.

14 The effective date of any zoning by-law or amendment adopted pursuant to this act shall
15 be the date of approval by the board of selectmen.

16 Notwithstanding section 32 of chapter 40 of the General Laws , the time for review by
17 the attorney general shall be 30 days from the date of submittal of the by-law by the town clerk.