

HOUSE No. 1816

The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

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 establish individual standing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>1/17/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>9/12/2023</i>

HOUSE No. 1816

By Representative Whipps of Athol, a petition (accompanied by bill, House, No. 1816) of Susannah M. Whipps relative to the right to maintain actions in the Superior Court. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to establish individual standing.

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

1 Chapter 30 of the General Laws is hereby amended by inserting after section 60 the
2 following section:-

3 Section 60A:- The attorney general or any person may maintain an action in the
4 superior court having jurisdiction where the alleged violation occurred or is likely to occur for
5 declaratory and equitable relief against any person for the protection of the air, water, and other
6 natural resources from pollution, impairment, degradation or destruction and to ensure that the
7 responsibilities of the public trust in these resources are carried out in light of current
8 environmental conditions and threats. Persons domiciled in the Commonwealth shall have
9 standing to sue on behalf of the public regardless of whether the plaintiffs suffer substantial
10 damage not common to others similarly situated. Plaintiffs who did not show that they used, had
11 access to, or enjoyed a recreational, aesthetic, cultural, spiritual or economic interest in the
12 subject environment lack standing to assert a MEPA claim concerning those areas.