

HOUSE No. 2043

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Donaghue

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 effective enforcement of municipal ordinances and by-laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/12/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/18/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>4/5/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>9/7/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>10/5/2023</i>

HOUSE No. 2043

By Representative Donaghue of Westborough, a petition (accompanied by bill, House, No. 2043) of Kate Donaghue and Michelle M. DuBois relative to the enforcement of municipal ordinances and by-laws. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act relative to the effective enforcement of municipal ordinances and by-laws.

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. Section 21D of chapter 40 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in line 46, the word “three” and inserting in
3 place thereof the following word:- five.

4 SECTION 2. Said section 21D of said chapter 40, as so appearing, is hereby further
5 amended by adding the following paragraph:-

6 Notwithstanding this section or any other general or special law to the contrary, in any
7 suit in equity brought in the superior court, district court or the land court by a city or town, or a
8 municipal agency, officer, board or commission having enforcement powers on behalf of the city
9 or town, to enforce an ordinance or by-law, or a rule, regulation or order described in this
10 section, the court, upon a finding that the violation occurred, may assess a civil penalty in
11 accordance with this section and section 21, and reasonable attorneys fees and costs. Civil
12 penalties assessed under this paragraph shall be in addition to any equitable relief ordered by the

13 court and shall be paid to the city or town for use as the city or town may determine. In assessing
14 a penalty under this paragraph, the court shall consider: (1) whether the violation was willful or
15 negligent; (2) the harm to the public health, safety or environment resulting from the violation;
16 (3) the economic benefit gained by the defendant as a result of the violation; (4) the cost to the
17 city or town resulting from the violation; (5) the history of noncompliance by the defendant; and
18 (6) whether the defendant made good faith efforts to cure or cease the violation of the ordinance
19 or by-law after the first notice by the city or town of such violation.