

HOUSE No. 4787

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 24, 2024.

The committee on Municipalities and Regional Government, to whom were referred the petition (accompanied by bill, House, No. 2087) of Michael J. Moran relative to procedures for publication of municipal zoning by-laws, and the petition (accompanied by bill, House, No. 2098) of Alice Hanlon Peisch, Carmine Lawrence Gentile and Kenneth I. Gordon relative to legal notices required to be published in newspapers by cities and towns, reports recommending that the accompanying bill (House, No. 4787) ought to pass.

For the committee,

CAROLE A. FIOLA.

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

An Act relative to access to local journalism.

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 4 of the General Laws, as appearing in the 2022 Official Edition, is
2 hereby amended by striking out Section 13 and inserting in place thereof the following:-

3 Section 13. (a) As used in this section, "statewide website" shall mean a website
4 established and maintained as a repository for legal notices and operated as a cooperative effort
5 of a majority of Massachusetts newspapers that distribute newspapers to subscribers residing in
6 the commonwealth.

7 (b) For purposes of this section, "newspaper of local or general circulation" shall mean a
8 publication that circulates among the general public, publishes news of a general character of
9 general interest to the public such as news of political, religious, commercial, or social affairs,
10 and one that publishes legal notices in the community in which it is located or the area to which
11 it distributes.

12 (c) If a person, corporation, state agency, including its political subdivisions, a state
13 authority, including its political subdivisions, municipality, including its political subdivisions, or

14 other legal entity is required by a statute, ordinance, by-law or judicial order to publish a legal
15 notice in a newspaper or newspaper of general circulation, the person, corporation, agency,
16 authority, municipality or other legal entity shall publish said notice in a newspaper which shall
17 ensure that the legal notice appears in: (i) a newspaper's print publication; (ii) on the newspaper's
18 website; and (iii) on a statewide website that may be maintained as a repository for such notices;
19 provided, however, that if a newspaper does not maintain its own website, publication on a
20 statewide website and reference to the statewide website in the print publication notice shall
21 satisfy the requirement of publication on the newspaper's website.

22 (d) When publishing legal notices on a newspaper's website or a statewide website, the
23 operator of the website shall:

24 (i) ensure access by the public to the website at all times, other than during website
25 maintenance or due to causes beyond the operator's control;

26 (ii) make the full text of legal notices available in a searchable format for the period of
27 time that the legal notice is required to be posted;

28 (iii) ensure that the website substantially complies with the accessibility standards of
29 section 508 of the federal Rehabilitation Act of 1973, as amended and codified at 29 U.S.C.
30 section 794d;

31 (iv) provide access to view legal notices on the website, and to perform searches for legal
32 notices on such websites, for no fee, and ensure that such notices may be viewed by the public
33 without requiring registration or subscription; provided, that operators of newspaper websites
34 may charge a fee for enhanced search and customized content delivery features;

35 (v) maintain an archive of legal notices that are no longer displayed on the website for at
36 least 90 days;

37 (vi) charge no additional fee for publication on a website in excess of the fee for
38 publishing the legal notice in the print newspaper;

39 (vii) include on the website homepage a prominent link to its public notice section; and

40 (viii) include in its public notice section a prominent link to the statewide public notice
41 website (www.masspublicnotices.org).

42 (e) An error in a legal notice published on a newspaper's website or the statewide website
43 that is the result of (i) an error of the website operator; or (ii) a temporary website outage or
44 service interruption that prevents the publication or display of a legal notice on the website shall
45 not constitute a defect in publication of the legal notice; provided, however, that the legal notice
46 appears correctly in the newspaper's print publication and satisfies all other legal notice
47 requirements.

48 (f) A municipality required by a statute, ordinance, by-law or judicial order to publish a
49 legal notice in a newspaper or newspaper of general circulation shall also publish the legal notice
50 on a community news website. For purposes of this paragraph, "community news website" shall
51 mean a website substantially all of which is dedicated to local news coverage for the relevant
52 municipality and surrounding municipalities that receives an average of not less than 500 unique
53 visits per month. This requirement shall not apply to a municipality for which a community news
54 website does not exist.

55 SECTION 2. Section 32 of chapter 40 of the General Laws, as appearing in the 2022
56 Official Edition, is hereby amended by inserting after the word "town", in line 36, the following
57 words:- and posted for a period of no less than 14 days on the town's municipal website, with a
58 link to such notice shown in a prominent location on the home page.

59 SECTION 3. Said section 32 of said chapter 40, as so appearing, is hereby further
60 amended by inserting after the word "newspapers," in line 43, the following words:- and posting
61 for a period of no less than 14 days on the town's municipal website,

62 SECTION 4. Section 5 of chapter 40A of the General Laws, as appearing in the 2022
63 Official Edition, is hereby amended by inserting after the word "newspaper", in line 140, the
64 following words:- and on a municipal website, with a link to such notice shown in a prominent
65 location on the home page,