

**SENATE . . . . . No. 2449**

---

**The Commonwealth of Massachusetts**

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

SENATE, October 2, 2023.

The committee on Senate Ways and Means to whom was referred the Senate Bill relative to property rights (Senate, No. 2430), - reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2449).

For the committee,  
Michael J. Rodrigues

**SENATE . . . . . No. 2449**

---

**The Commonwealth of Massachusetts**

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

An Act relative to property rights.

*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 1 of chapter 79 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by inserting after the second sentence the following  
3 sentence:- Any such order of taking shall provide a right of first refusal to purchase the property  
4 to the owner from whom the property is being taken if the board of officers seeks to dispose of  
5 the property for a purpose other than that stated in the order of taking.

6           SECTION 2. Said chapter 79 is hereby further amended by inserting after section 3 the  
7 following section:-

8           Section 3A. If property taken by eminent domain by a board of officers upon whom  
9 authority to take real estate by eminent domain on behalf of any body politic or corporate has  
10 been conferred by law is not being used for the purpose stated in the order of taking recorded  
11 pursuant to section 3, the board of officers shall engage in good faith negotiations with the owner  
12 from whom the land was taken to amend the original order of taking. Any such amendment shall  
13 be signed by both parties and filed in the proper registry district. If a body politic or corporate

14 seeks to dispose of property taken by eminent domain for a purpose other than that stated in the  
15 order of taking, the owner from whom the property was taken, or their heirs or assignees, shall be  
16 given the right of first refusal to purchase the property back from the body politic or corporate.

17 SECTION 3. Section 3A of chapter 79 of the General Laws shall apply to real property  
18 currently held by a body politic or corporate taken by eminent domain.