HOUSE . . . . No. 1669

The Commonwealth of Massachusetts

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PRESENTED BY:

Kate Donaghue and Andres X. Vargas

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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.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Kate Donaghue	19th Worcester	1/15/2025
Andres X. Vargas	3rd Essex	1/15/2025
James K. Hawkins	2nd Bristol	2/20/2025
Tara T. Hong	18th Middlesex	2/20/2025
Brian M. Ashe	2nd Hampden	2/20/2025
Brian W. Murray	10th Worcester	2/20/2025
Vanna Howard	17th Middlesex	2/20/2025
David Henry Argosky LeBoeuf	17th Worcester	3/3/2025
Adam J. Scanlon	14th Bristol	3/12/2025
Erika Uyterhoeven	27th Middlesex	4/23/2025
James C. Arena-DeRosa	8th Middlesex	6/3/2025
James B. Eldridge	Middlesex and Worcester	6/25/2025

HOUSE . . . . No. 1669

By Representatives Donaghue of Westborough and Vargas of Haverhill, a petition (accompanied by bill, House, No. 1669) of Kate Donaghue, Andres X. Vargas and others relative to the enforcement of municipal ordinances and by-laws. The Judiciary.

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court
(2025-2026)

_____

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 2022

2   Official Edition, is hereby amended by striking out, in line 46, the words "three hundred dollars"

3   and inserting in place thereof the following figure:- $1,000.

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.