

SENATE No. 1142

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 restoring a lower threshold for permit challenges.

PETITION OF:

NAME:

Edward J. Kennedy

DISTRICT/ADDRESS:

First Middlesex

SENATE No. 1142

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1142) of Edward J. Kennedy for legislation to restore a lower threshold for permit challenges in court decisions. The Judiciary.

The Commonwealth of Massachusetts

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

An Act restoring a lower threshold for permit challenges.

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 40A of the General Laws, as amended by Chapter 150 of the Acts of 2024, is
2 hereby further amended in Section 17 by striking out the third paragraph and inserting in place
3 thereof the following paragraph:-

4 The court, in its discretion, may require a plaintiff in an action under this section
5 appealing a decision to approve a special permit, variance or site plan to post a surety or cash
6 bond in an amount of not more than \$50,000 to secure the payment of costs if the court finds that
7 the harm to the defendant or to the public interest resulting from delays caused by the appeal
8 outweighs the financial burden of the surety or cash bond on the plaintiffs. The court shall
9 consider the relative merits of the appeal and the relative financial means of the plaintiff and the
10 defendant.