

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Edward J. Kennedy*

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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 restoring a lower threshold for permit challenges.

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PETITION OF:

NAME:

*Edward J. Kennedy*

DISTRICT/ADDRESS:

*First Middlesex*

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

[Pin Slip]

**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.