

## Massachusetts House of Representatives Bill Summary

**Bill #:** H.3953

**Title:** An Act in the town of Hanson local licenses and permits; denial, revocation, or suspension for failure to comply with conditions of approval.

**Sponsor:** Rep. Kenneth Sweezey

**Committee:** Municipalities and Regional Government

**Hearing Date:** 5/13/25

**Prior History:** H.3984 (2023-2024) reported favorably; substituted by Third Reading with text of H.4467; House engrossed; Senate Third; no further action.

**Current Law:** MGL Chapter 48, Section 13 regulates the setting of open-air fires; conditions and restrictions; penalties.

Chapter 101 Section 33 concerns temporary licenses to sell articles for charitable purposes. This refers to the sale of items such as flags, badges, medals, buttons, flowers, souvenirs, and similar small articles for charitable purposes.

Chapter 131 Section 12 of MGL deals with sporting, hunting, fishing, or trapping licenses.

Chapter 140 of MGL governs licenses.

- Section 1 defines licensing authorities.
- Section 21E concerns the licensing of clubs or associations that dispense food and beverages to be consumed on premises.
- Section 137 deals with the registration and licensing of dogs.
- Section 181 governs the licensing of theatrical exhibitions, public shows, public amusements, and exhibitions.

Chapter 143, Section 3 governs the inspector of buildings or building commissioner in cities or towns; employment and designation; qualifications; city or town without local inspectors.

Chapter 149 Section 69 of MGL authorizes children 9 years or older to be employed to sell newspapers in any city or town.

Chapter 207 Section 28 of MGL governs the issuance of marriage licenses.

Chapter 268A Section 1 of MGL defines immediate family as the employee's spouse, parents, children, brothers, and sisters.

#### Hanson By-Laws

- General By-Law Article 2-1 Section 15 authorizes the town to deny any application for, or revoke or suspend any local license or permit for any person, corporation, or business enterprise who had neglected or refused to pay any local taxes, fees assessments, betterments, or any other municipal charges. This by-law also lists which licenses and permits this by-law does not apply to.
- General By-Law Article 3-10 deals with the various permits and licenses of the town of Hanson.

#### **Summary:**

Section 1 of the bill authorizes the Hanson building inspector, planning board or zoning board, each referred to as the licensing authority, to deny, revoke or suspend a license or permit, including renewals and transfers, if an applicant who has not completed or complied with conditions of approvals for any other projects licensed or permitted by the town. The licensing authority would have to provide written notice to the applicant, licensee or permit holder within 14 days of the decision to deny, revoke or suspend, and grant the applicant, licensee or permit holder a hearing to be held 14 days after the notice is given.

Section 2 holds that any findings of the licensing authority with respect to such license denial, revocation, or suspension shall only be for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding, except for any appeal from such license denial, revocation, or suspension. Any license or permit denied, suspended, or revoked shall not be reissued or renewed until the licensing authority receives a certificate issued by the permitting authority that the party complied with such conditions as the date of issuance of the certificate.

Section 3 authorizes an applicant or permit holder to enter into an agreement, including a bond, escrow, or other source of guarantee, to allow the licensing authority to issue a certificate indicating any limitations to the license or permit. The validity of said license or permit shall be conditioned upon satisfactory compliance with said agreement. A failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit, provided that the holder is given notice and a hearing.

Section 4 authorizes the board of selectmen to waive any denial, suspension, or revocation if it finds there is no direct or indirect

business interest by the property owner, its officers, or stockholders if any, or members of his/her immediate family in the business or activity conducted in or on said property.

Section 5 states that this act shall not apply to open burning permits, bicycle permits, sales of articles for charitable purposes, children work permits, licenses for clubs and associations dispensing food or beverages, dog licenses, licenses for fishing, hunting, and trapping, marriage licenses, and permits for theatrical events and public exhibitions.

**Notes:**

This legislation was approved as Article 4 at the November 16, 2021 Special Town Meeting. It was approved by a voice vote.

According to the town, they are requesting this legislation as the town has had numerous instances where a contractor will finish building condominium units in a condominium complex or houses in a subdivision but will not finish the stormwater management requirements, curbing and other conditions set forth in their orders of conditions from the Planning Board, the Board of Health, the Conservation Commission, or the Board of Appeals. This leaves the homeowners or themselves or suing the contractor to get the work completed. Under the current bylaws, a contractor having issues that have not yet been addressed is permitted to apply to build new condominiums and houses without any consideration as to whether they have met their order of conditions or whether they have outstanding code violations.