

Massachusetts House of Representatives Bill Summary

Bill #: H.2243

Title: An Act relative to legal advertisements and public notices

Sponsor: Rep. James Arena-DeRosa

Committee: Municipalities and Regional Government

Hearing Date:

Current Law: MGL Chapter 4, Section 13 (b) states “If a person, corporation, state agency, including its political subdivisions, a state authority, including its political subdivisions, municipality, including its political subdivisions, or other legal entity is required by a statute, ordinance, by-law or judicial order to publish a legal notice in a newspaper or newspaper of general circulation, the person, corporation, agency, authority, municipality or other legal entity shall publish said notice in a newspaper which shall ensure that the legal notice appears in: (i) a newspaper's print publication; (ii) on the newspaper's website; and (iii) on a statewide website that may be maintained as a repository for such notices; provided, however, that if a newspaper does not maintain its own website, publication on a statewide website and reference to the statewide website in the print publication notice shall satisfy the requirement of publication on the newspaper's website.”

Subsection (d) of said Section 13 of Chapter 4 currently states that an error in a legal notice published on a newspaper's website or the statewide website that is the result of (i) an error of the website operator; or (ii) a temporary website outage or service interruption that prevents the publication or display of a legal notice on the website shall not constitute a defect in publication of the legal notice; provided, however, that the legal notice appears correctly in the newspaper's print publication and satisfies all other legal notice requirements.

Mass. General Laws Chapter 40A, Section 11 requires that public notices of public hearings be published in a newspaper of general circulation in the city or town for two weeks in a row, with the first publication occurring not less than 14 days before the hearing. The notice must also be posted in a conspicuous location in the city or town hall 14 days before the hearing.

The law also provides for mailing such hearing notices to the parties of interest (those affected by the subject of the hearing) but does not include any provision for publishing such notices on a website.

Summary:

Section 1 of the bill amends Section 13 of MGL Chapter 4, by replacing it with language providing that whenever a city officer, department, board, committee or commission is required by law or judicial order to publish a legal notice in a newspaper, such a requirement may be satisfied by using one of the following methods:

- (a) publishing in a newspaper of local or general print circulation;
- (b) on a newspaper's website, including online-only publications;
- (c) on a website maintained as a statewide repository for such notices;
- or
- (d) on an official city or town website that may be maintained as a repository for such notices.

Section 2 of the bill amends the provision relating to errors in legal notices by adding city or town websites to make the language consistent with the changes proposed in Section 1.

Section 3 amends language in the Zoning Act relating to notice requirements for public hearings by adding language permitting a city or town to publish such notices on an electronic version of a newspaper's website or the official city or town website.