

Massachusetts House of Representatives Bill Summary

Bill #:	H.2315
Title:	An Act relative to municipal publication of zoning by-law procedures
Sponsor:	Rep. Michael Moran
Committee:	Municipalities and Regional Government
Hearing Date:	July 22, 2025
Prior History:	H.2087 accompanied committee redraft H.4787 (2023-2024)
Current Law:	<p>Section 4 of Chapter 4 of the General Laws prescribes that municipalities or districts may accept the provisions of a law which shall take effect upon acceptance by a municipality or district by a vote of the legislative body, unless the statute provides another means of acceptance.</p> <p>Section 32 of Chapter 40 governs the procedure for validation of town by-laws. The attorney general has 90 days to review a proposed by-law that has been approved by a town and submitted for review. If the attorney general fails to act within the 90-day period, then the by-law takes effect automatically.</p> <p>Section 5 of Chapter 40A governs the adoption or change of zoning ordinances or by-laws. The law describes the process by which zoning by-laws may be adopted following notice, planning board review and public hearings. The zoning ordinance or by-law takes effect as of the date the change was adopted by a vote of city council or town meeting, and the notice must subsequently be published in a town bulletin or pamphlet, or via publication in a newspaper. The requirements for publishing and posting the notice may be dispensed with if the same information is mailed to every occupied dwelling and apartment in town.</p>
Summary:	<p>Section 1 of this legislation would amend Section 32 of Chapter 40 by giving towns the option of posting notice of a by-law or amendment change on the town's municipal website for at least 14 days, rather than publish it in a newspaper of general circulation in the town.</p> <p>Section 2 amends the provision, which allows publication of a pamphlet and posting notice of a by-law or ordinance change to be dispensed with if the information is delivered to every occupied dwelling and apartment in town, by adding language providing for the information to be posted for a period of no less than 14 days on the town's municipal website.</p> <p>Section 3 amends Section 5 of Chapter 40A by inserting language in the provision governing when a zoning change shall take effect to allow such a notice to be published on a municipal website.</p>

Section 4 requires that, prior to using the municipal website as an alternative means of publishing notices required by Chapter 40, Section 32 and Chapter 40A, Section 5, the select board or town council of a town must first vote to accept the provisions of this act. If the act is accepted, then the town clerk would file with the Attorney General written notice of the town's acceptance of these provisions.

Normally, provisions of a law may be accepted by a vote of the legislative body, such as town meeting or city council, however Section 4 provides an alternate method of acceptance.

Note: In Section 2, in line 5, the language should read, "or posting for a period of no less than 14 days on the town's municipal website," since that provision of law lists the conditions for which the municipality may be exempted from the posting and publishing requirement.

In Section 3, in line 8, there may be a typographical error where the word "on" is used in place of the word "or".