

# SENATE . . . . No. 588

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## The Commonwealth of Massachusetts

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SENATE, May 23, 1947.

The committee on Ways and Means, to whom was committed the Senate Bill relative to findings of the Emergency Housing Commission (Senate, No. 573), report recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 588).

For the committee,

HARRIS S. RICHARDSON.

## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Seven.

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### AN ACT RELATING TO FINDINGS OF THE EMERGENCY HOUSING COMMISSION.

1    *Whereas*, An acute shortage of housing exists in the  
2 commonwealth and on account of such shortage  
3 many veterans of World War II and other inhabit-  
4 ants of the commonwealth are unable to obtain  
5 homes for themselves and their families and this  
6 shortage is likely to continue for a substantial period  
7 of time; and inability to obtain adequate shelter will  
8 cause suffering and disease among such veterans and  
9 their families and other inhabitants unless such short-  
10 age is relieved at once, therefore this act is declared  
11 to be an emergency law, necessary for the immediate  
12 preservation of the public health and convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1    SECTION 1. Chapter 592 of the acts of 1946 is  
2 hereby amended by striking out section 3 and in-  
3 serting in place thereof the following section:—

4    *Section 3.* There shall be a board to be known as  
5 the emergency housing commission, to serve during  
6 the present emergency, as defined in section two,  
7 under the governor and council and to be subject to  
8 such supervision as the governor and council shall

9 deem necessary and proper, consisting of five mem-  
10 bers, namely: — a chairman to be appointed by the  
11 governor with the advice and consent of the council;  
12 the chairman of the state board of housing; the  
13 chairman of the state planning board; the commis-  
14 sioner of labor and industries; and the commissioner  
15 of public safety. Upon appeal by any person ag-  
16 grieved by the refusal of a board of appeals of a city  
17 or town referred to or appointed under section thirty  
18 of chapter forty of the General Laws, or similar  
19 provisions of a special law, or any board of appeals  
20 under a local building ordinance or by-law or a build-  
21 ing code, to reverse any order or decision of any  
22 inspector of buildings or other administrative official  
23 having similar duties, to decide in favor of the appli-  
24 cant on any matter upon which such board of appeals  
25 is required to pass, or to effect any variance in the  
26 application of any such ordinance, by-law or code,  
27 the emergency housing commission by an affirmative  
28 vote of four of its members may reverse such order  
29 or decision, decide in favor of such applicant or  
30 effect any such variance. The emergency housing  
31 commission shall not grant any relief under this  
32 section unless it finds that such relief may be granted  
33 without substantial detriment to the public good and  
34 without substantially derogating from the intent and  
35 purpose of such ordinance, by-law, or code, having  
36 regard to the purposes set forth in section twenty-  
37 five of chapter forty of the General Laws, section  
38 three of chapter one hundred and forty-three of the  
39 General Laws, or similar provisions of special law,  
40 respectively. The emergency housing commission  
41 shall grant relief only after a hearing, notice of which  
42 shall have been given by mail, postage prepaid, to

43 the appellant, the board of appeals and the owners of  
44 all property deemed by the commission to be affected  
45 by such appeal, and by publication in a newspaper  
46 of general circulation in such city or town. At the  
47 hearing any party may appear in person or by agent  
48 or by attorney. No appeal under this section with  
49 respect to a particular parcel of land which has been  
50 unfavorably acted upon by the commission shall be  
51 considered by said commission except with the  
52 consent of a majority of the board of appeals. The  
53 commission may reconsider any appeal which has  
54 been withdrawn by the appellant before action by  
55 the commission or after favorable action by the  
56 commission. The determination of the emergency  
57 housing commission under this section shall be final.

1 SECTION 2. Nothing in this act shall be deemed to  
2 invalidate any action taken under said chapter five  
3 hundred and ninety-two prior to the effective date  
4 of this act.