

SENATE No. 600

[Senate, No. 600. — Substituted by amendment by the Senate (Sears) for House Bill No. 2303.]

The Commonwealth of Massachusetts

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

AN ACT RELATING TO THE EMERGENCY HOUSING COMMISSION AND TO LOCAL BOARDS OF APPEALS.

1 *Whereas*, An acute shortage of housing still exists
2 in the commonwealth and on account of such shortage
3 many veterans of World War II and other inhabitants
4 of the commonwealth are unable to obtain homes for
5 themselves and their families and this shortage is
6 likely to continue for a substantial period of time;
7 and inability to obtain adequate shelter will cause
8 suffering and disease among such veterans and their
9 families and other inhabitants unless such shortage
10 is relieved at once, therefore this act is declared to be
11 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. Section 2 of chapter 592 of the acts of
2 1946, as amended, is hereby further amended by
3 striking out, in line 3, as appearing in said chapter
4 592, the word "two" and inserting in place thereof

5 the word: — five, — so as to read as follows: — *Sec-*
6 *tion 2.* During the period of the present emergency,
7 which, unless changed by the general court, shall be
8 deemed to extend for a period of five years from the
9 effective date of this act, a board of appeals of a city
10 or town referred to or appointed under section thirty
11 of chapter forty of the General Laws may grant a
12 variance with respect to a particular parcel of land
13 from the terms of an ordinance or by-law adopted
14 under section twenty-five of said chapter forty under
15 the following circumstances and conditions: — (1)
16 That the application relates to the construction or
17 alteration of a building designed to contain when the
18 work thereon is completed a dwelling place or dwel-
19 ling places. (2) That if the variance relates to the
20 alteration of an existing building so that it may
21 accommodate more families, the cubical content of
22 the building and its width, length and height shall not
23 be substantially increased, and its exterior shall be
24 changed as little as possible. (3) That the variance
25 may be granted without substantial detriment to the
26 public good and without substantially derogating
27 from the intent and purpose of such ordinance or by-
28 law. (4) That the variance be granted without dis-
29 crimination among applicants and as far as possible
30 in accordance with the principles set forth in the fourth
31 paragraph of section twenty-five of said chapter forty.

1 SECTION 2. Said chapter 592 is hereby further
2 amended by striking out section 3, as amended by
3 section 1 of chapter 609 of the acts of 1947, and in-
4 serting in place thereof the following: —

5 *Section 3.* There shall be a commission to be known
6 as the emergency housing commission, in this act

7 called the commission, to serve during the present
8 emergency, as defined in section two, under the gover-
9 nor and council and to be subject to such supervision
10 as the governor and council shall deem necessary and
11 proper, consisting of five members, namely:— a
12 chairman to be appointed by the governor with the
13 advice and consent of the council; the chairman of
14 the state housing board; the chairman of the state
15 planning board; the commissioner of labor and indus-
16 tries; and the commissioner of public safety. Any
17 of said members, other than the chairman, may, if he
18 so elects, designate a person from the personnel of his
19 department or board to represent him on the commis-
20 sion. Any designation of his representation as afore-
21 said shall be made by a writing filed in his office, and
22 shall be effective for such period as he may prescribe
23 therein, and may at any time be revoked by him.
24 Upon appeal or petition by any person aggrieved by
25 the refusal of a board of appeals of a city or town re-
26 ferred to or appointed under section thirty of chapter
27 forty of the General Laws or similar provisions of a
28 special law, or any board of appeals under a local
29 building ordinance or by-law or a building code, to
30 reverse any order or decision of any inspector of
31 buildings or other administrative official having similar
32 duties, to decide in favor of the applicant on any
33 matter upon which such board of appeals is required
34 to pass, or to effect any variance in the application of
35 any zoning or building ordinance, by-law or code, the
36 commission by an affirmative vote of four of its mem-
37 bers may, subject to such terms and conditions as it
38 may impose, reverse such order or decision, decide in
39 favor of such applicant or effect any such variance.
40 The commission shall not grant any relief under this

41 section unless it finds that such relief may be granted
42 without substantial detriment to the public good and
43 without substantially derogating from the intent and
44 purpose of such ordinance, by-law, or code, having
45 regard to the purposes set forth in section twenty-five
46 of chapter forty of the General Laws, section three of
47 chapter one hundred and forty-three of the General
48 Laws, or similar provisions of special law, respectively.
49 The commission shall grant relief only after a hearing,
50 notice of which shall have been given by mail, postage
51 prepaid, to the appellant or petitioner, the board of
52 appeals and the owners of all property deemed by the
53 commission to be affected by such appeal or petition,
54 and by publication in a newspaper of general circula-
55 tion in such city or town. At the hearing any party
56 may appear in person or by agent or by attorney.
57 No appeal or petition under this section with respect
58 to a particular parcel of land which has been unfavor-
59 ably acted upon by the commission shall be recon-
60 sidered by said commission except with the consent
61 of a majority of the board of appeals. The commis-
62 sion may reconsider any appeal or petition which has
63 been withdrawn by the appellant or petitioner before
64 action by the commission or after favorable action
65 by the commission. The determination of the com-
66 mission under this section shall be final.

1 SECTION 3. Said chapter 592 is hereby further
2 amended by striking out section 4, as amended by
3 section 1A of said chapter 609, and inserting in place
4 thereof the following: —

5 *Section 4.* The commission may appoint a secre-
6 tary, who may be one of its members, and may, sub-
7 ject to appropriation, employ such officers, agents and

8 employees as may be necessary to assist it in the per-
9 formance of its functions and shall determine their
10 salaries. The members of the commission shall be
11 reimbursed for expenses incurred in the performance
12 of their duties. There shall be paid to the chairman
13 the sum of twenty-five dollars for every day spent in
14 the performance of his duties, provided that he does
15 not receive an annual salary from the commonwealth
16 and provided further that the sum paid hereunder to
17 him shall not in any year exceed three thousand dol-
18 lars. Such compensation shall be in addition to any
19 other compensation received from the commonwealth
20 by the chairman; provided that no compensation shall
21 be paid to him for services under this act on any day
22 with respect to which he is compensated by the com-
23 monwealth for services performed under any other
24 provision of law.

The first part of the year was spent in the
 study of the history of the country and
 the progress of the various branches of
 science and art. The second part was
 devoted to the study of the natural
 history of the country, and the progress
 of the various branches of science and
 art. The third part was devoted to the
 study of the history of the country and
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 history of the country, and the progress
 of the various branches of science and
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