

# HOUSE . . . . . No. 1435

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By Mr. Locke of Wellesley, petition of Shepard A. Spunt, David H. Locke, Thomas F. Farrell, Robert A. Belmonte and Paul F. Malloy for legislation to determine and prescribe eminent domain procedure rights and remedies. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Six.

### AN ACT TO DETERMINE AND PRESCRIBE EMINENT DOMAIN PROCEDURE, RIGHTS AND REMEDIES.

*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. All owners of real property shall be tendered  
2 a pro tanto payment of not less than fair market value for their  
3 property within three days of taking by eminent domain by any  
4 authority. If less than fair market value is offered by the  
5 taking authority and such offer is greater than ten per cent  
6 below fair market value, the authority shall respond in triple  
7 damages for the difference between the offer and fair market  
8 value. If less than fair market value is offered by the taking  
9 authority and such offer is ten per cent or less below fair  
10 market value, the taking authority shall pay all legal expenses  
11 of the property owner.

1 SECTION 2. The taking of real property by eminent domain  
2 shall be considered for the purposes of taxation as an involun-  
3 tary conversion by the owner, and such owner shall have ten  
4 years in which to make use of such involuntary conversion.

The Commonwealth of Massachusetts

in the year of our Lord one thousand nine hundred and . . .

and for the purpose of . . . . .

and it is enacted by the Senate and House of Representatives in

the following words, to-wit: . . . . .

Section . . . . .