

# HOUSE . . . . . No. 1629

By Mr. Locke of Wellesley, petition of Shepard A. Spunt, David H. Locke, Stephen T. Chmura, Thomas F. Farrell, Robert A. Belmonte and Paul F. Malloy for legislation relative to prescribing urban renewal procedure, rights and remedies. Mercantile Affairs.

## The Commonwealth of Massachusetts

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

### AN ACT TO DETERMINE AND PRESCRIBE URBAN RENEWAL 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. Section 26YY of chapter 121 of the General  
2 Laws is hereby amended by adding at the end the following  
3 paragraph: —

4 Prior to the planning of an urban renewal project, and prior  
5 to the approval of an advance or advances of funds by the  
6 governing body of the locality involved as specified in sec-  
7 tion one hundred and two (*d*), Title I, Housing Act of nine-  
8 teen hundred and forty-nine as amended, there shall first be  
9 held a public referendum with only the property owners and  
10 tenants of the specific area under consideration to determine  
11 by the people if it is their desire to have their area designated  
12 as an urban renewal area or urban renewal project area.  
13 Each tenant or group of joint tenants shall have one vote  
14 and each landowner or group of joint landowners shall have  
15 one vote for each property involved. An urban renewal pro-  
16 ject area shall be designated only after the people of the area  
17 as aforementioned shall signify their desire for such designa-  
18 tion by a two thirds vote of those voting or a majority vote  
19 of those duly qualified to vote. Subsequent to such referendum,

20 if the tenants and landowners as aforementioned have sig-  
21 nified their desire to have the land area designated as an  
22 urban renewal project area, there shall be no change or re-  
23 vision in the project boundary or boundaries unless there is  
24 held a referendum as specified above but with all tenants  
25 and landowners within the revised boundaries eligible to vote.

1 SECTION 2. Section 26ZZ of chapter 121 of the General  
2 Laws is hereby amended by inserting after the words "due  
3 notice and a public hearing" the following provisions: — Not-  
4 withstanding any contrary provision in chapter one hundred  
5 and twenty-one of the General Laws, no urban renewal plan  
6 shall be submitted to or approved by the governing body of  
7 the locality involved and no land or structures in an urban  
8 renewal area may be taken unless, and until after a copy of  
9 the plan has been presented to each of the inhabitants, ten-  
10 ants and landlords, and following at least three public hear-  
11 ings at which the duly constituted authority presents their  
12 plans to the inhabitants, there shall be a public referendum  
13 at which at least a majority of the inhabitants qualified to  
14 vote shall approve such land takings or else by any two-  
15 thirds plus one vote of those voting. The proposed plans  
16 shall be mailed to all inhabitants of an urban renewal area  
17 at least thirty-five days prior to said referendum. Public  
18 hearings shall be held at least one week apart, and two of the  
19 three public hearings shall be held in the evening, commenc-  
20 ing after seven thirty postmeridian local time but not after  
21 nine postmeridian local time. Notice shall be mailed at least  
22 eight days prior to each public hearing to each of the in-  
23 habitants, landlords, and tenants. The last public hearing  
24 shall be held at least one week before the referendum and  
25 the first shall not be held until three days after the mailing  
26 of the plans to all inhabitants.

27 No local, municipal, state or federal governmental author-  
28 ity or their respective agents, servants, or employees or pri-  
29 vate individuals, agencies, corporations, foundations or other  
30 private or quasi-public entities shall spend any public funds  
31 whatsoever beyond the preparation of plans, mailing copies  
32 of the plans and the authority's statement of what is to be



33 accomplished and the reasons for their suggestions, mailing  
34 of notices as earlier described for public hearings, the actual  
35 facilities to hold the public hearings, and the cost of the  
36 elections (referendum) as described, in connection with the  
37 procedures above described. Any action to the contrary shall  
38 void such election and cause those responsible to be liable  
39 to return all expenses to the appropriating agency.

1 SECTION 3. The last paragraph of section twenty-six ZZ  
2 of chapter one hundred and twenty-one of the General Laws  
3 is hereby repealed.

1 SECTION 4. All residential tenants shall be reimbursed for  
2 their fair and reasonable expenses of relocation including but  
3 not limited to their moving costs, losses on leasehold im-  
4 provements, commissions for acquisition of new facilities, and  
5 legal expenses in connection with acquisition of similar facil-  
6 ities to replace those taken by eminent domain for urban  
7 renewal.

1 SECTION 5. All commercial or industrial tenants, other  
2 than residential, shall be entitled to all of the reimburse-  
3 ments mentioned above plus expenses of relocation studies,  
4 brokerage fees for new facilities, all losses sustained by virtue  
5 of abandonment of wiring, pipes, and immovable facilities  
6 plus the cost of such facilities and their installation at the  
7 new location if the operation is not substantially expanded  
8 above the original and in the case of an expanded facility,  
9 for the amount required in proportion to the whole that the  
10 original would have been to the total. The profit of one  
11 year, based on the average of the prior five years, shall be  
12 guaranteed the business, or twenty per cent for each year  
13 of the average if the business has operated less than five  
14 years at the location to be taken.

1 SECTION 6. All owners shall be compensated by the tak-  
2 ing authority not less than thirty-three and one-third per  
3 cent more than full and fair value of their property plus  
4 all costs and expenses including lost income to which they

5 shall be put plus any and all of the above expenses as enu-  
6 merated. If an owner has owned the property for less than  
7 a year at the date of taking but more than six months, the  
8 compensation shall be not less than ten per cent more than  
9 full and fair value. It shall be full and fair value if the  
10 property has been owned by the owner less than six months.

1 SECTION 7. All owners shall be given a *pro tanto* pay-  
2 ment of not less than the fair market value of the property  
3 within three days of the taking. Balance shall be paid with-  
4 in sixty days of the taking.

1 SECTION 8. Tenants shall be advanced, interest free, their  
2 expenses of relocation as they shall present the paid bills  
3 therefore, except that the authority shall pay any bill pre-  
4 sented of over one hundred dollars within ten days after  
5 certification of its validity. The authority shall settle ac-  
6 counts within thirty days after presentation of final bills by  
7 tenants. In the event of dispute, the authority shall pay all  
8 of the tenants legal costs and expenses plus fifty per cent  
9 of the claim plus legal interest thereon if the authority shall  
10 incorrectly determine and/or offer an amount to the ten-  
11 ant that is less than the judgement received by the tenant  
12 from a court of competent jurisdiction. If the tenant is in-  
13 correct, he shall bear his own costs. If a tenant attempts  
14 or does defraud any authority in this connection, such ten-  
15 ant shall be civilly and criminally liable, and shall, as a court  
16 may determine, return up to three times the amount of the  
17 fraud as a penalty and/or may be sentenced to up to one  
18 year in jail, and/or be liable for a fine of up to one thousand  
19 dollars.

1 SECTION 9. If any owner is dissatisfied with the valuation  
2 set by any authority he may so claim within six months. If  
3 the authority is in error, they shall pay all of the claimants  
4 legal costs and expenses plus expenses of any experts, plus a  
5 penalty of one hundred per cent of the amount of the error  
6 plus legal interest. If the adjudication indicates the owner's

7 claim was within ninety per cent of the authority's offer,  
8 the authority shall pay his costs and expenses only.

1 SECTION 10. The taking of real estate by eminent domain  
2 for any urban renewal shall be considered for taxation pur-  
3 poses as an involuntary conversion, by the owner, and such  
4 owner shall have ten years in which to make use of such  
5 involuntary conversion.

1 SECTION 11. In the event that any administrative policy,  
2 law, or statute of the federal government shall bar the pay-  
3 ment of any premium as set forth above, the city or town  
4 in which the project is proposed shall be liable for such pre-  
5 mium equally with the commonwealth, each paying fifty per  
6 cent of such amount. The amount for which a city or town  
7 may become liable as a premium shall in no event be bor-  
8 rowed, but shall be paid out of the tax levy for the year in  
9 which the taking of the property occurs, or the next follow-  
10 ing year.

1 SECTION 12. The benefits of this law shall apply retro-  
2 actively for a period of ten years to those persons who have  
3 been expropriated.

1 SECTION 13. The determination and declaration of any  
2 section of this statute or portion thereof as unconstitutional  
3 shall not affect the validity of any other section.



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