

HOUSE No. 5311

By Mr. Businger of Brookline, petition of George J. Steiff relative to requiring a hearing before the Land Court before property is taken by eminent domain. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Three.

AN ACT REQUIRING A HEARING BEFORE THE LAND COURT BEFORE PROPERTY IS TAKEN BY EMINENT DOMAIN.

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

- 1 Chapter 79 of the General Laws is hereby amended by
- 2 inserting after section 5B the following section: —
- 3 *Section 5C.* No property shall be taken without the consent
- 4 of the owner except after a hearing before the land court at
- 5 which the owner and any other interested persons may be heard
- 6 and allowed to introduce evidence that the taking would not
- 7 serve a public purpose. If the court finds that the taking would
- 8 not serve a public purpose, no taking shall be made.

