

By Mr. Ansel of Boston (by request), petition of David Franklin for compensation by the Commonwealth for taking of land or the moving of houses obstructing the construction of state highways or for rebuilding said houses on new land. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT PROVIDING FOR COMPENSATION FOR TAKING OF NEW LAND FOR HOUSES, AND MOVING HOUSES IN THE WAY OF STATE HIGHWAYS THERETO, OR FOR REBUILDING OR SUBSTANTIALLY REDUPLICATING SAID HOUSES ON SAID NEW LAND, ALL AT THE EXPENSE OF THE COMMONWEALTH.

*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 13 of chapter 79 of the General Laws  
2 is hereby amended by adding the following words:— except as  
3 provided in section thirteen A hereunder.

1 SECTION 2. Chapter 79 of the General Laws is hereby amended  
2 by inserting after section 13 the following section:—

3 *Section 13A.* 1. When the owner or bona fide resident head  
4 of the family or a majority of the bona fide resident heads of  
5 families in multiple dwellings so request and accept, when houses  
6 and bona fide residential buildings are located on land taken  
7 for state highways, the power of eminent domain shall extend  
8 to the taking of appropriate new land, and the expenses of com-  
9 pensating for said appropriate new land, in the same municipality  
10 or in the closest practicable municipality, in which suitable avail-  
11 able land is located, and the necessary direct and indirect ex-  
12 penses of moving the house or bona fide residential building to  
13 said land, or of rebuilding it there, or of substantially reduplicat-  
14 ing it there, shall be borne by the commonwealth; provided that  
15 the owners or bona fide resident head of family, or a majority

16 of the bona fide resident heads of family accept any reasonable  
17 conditions imposed. The purchase of and compensation for the  
18 appropriate new land may also be arranged voluntarily without  
19 recourse to the powers of eminent domain.

20 2. The commonwealth shall establish, in the department of  
21 public works or other appropriate department or agency, a  
22 house moving and rebuilding agency to adjudicate the issues  
23 involved and establish appropriate conditions, and work out  
24 improved house moving and rebuilding techniques and ma-  
25 chinery, and to perform the actual moving work itself with its  
26 own equipment when this appears to be substantially more eco-  
27 nomical.

28 3. House moving expenses shall have priority over all other  
29 expenditures for state highways, and shall be considered an  
30 integral part of highway-building expenses, and no highway  
31 construction shall be undertaken for any particular highway  
32 improvement, unless adequate funds are on hand to provide  
33 for any house-moving expenses incurred, in addition to other  
34 necessary highway-building expenses. Where necessary, the  
35 overall highway-building program is to be reduced so that  
36 available funds will provide for all necessary expenses, includ-  
37 ing any increased house moving expenses.

38 4. The invalidation of any portion of this act shall not be  
39 construed to invalidate the remainder.