

By Mr. Dukakis of Brookline, petition of the Massachusetts Conveyancers Association relative to the enforcement of certain laws and regulations governing the construction, relocation, alteration or location of certain buildings. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT TO LIMIT ENFORCEMENT OF GOVERNMENTAL LAWS AND REGULATIONS RESPECTING BUILDINGS.

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. Chapter 184 of the General Laws is hereby
2 amended by adding after section 23A the following section:—
3 *Section 23B.* No action, suit or proceeding shall be main-
4 tained either at law or in equity in any court, nor any admin-
5 istrative or other action taken to recover damages or to compel
6 the removal, alteration or relocation of any structure or part
7 of a structure or alteration of a structure by reason of any
8 violation of any law, by-law, ordinance, rule or regulation of
9 the commonwealth or any body politic established within and
10 by said commonwealth, regulating the construction, placing,
11 relocation or alteration of structures or improvements with
12 respect to the location of structures or improvements in re-
13 lation to zoning districts, streets or lot boundaries, the area,
14 frontage width or dimensions of the lot on which constructed,
15 or the percentage of lot covered, at the time of construction or
16 placement or with respect to materials used, type of structure,
17 or its size, height or number of stories, or size, type or number
18 of dwelling units, unless such action, suit or proceeding is com-
19 menced and notice thereof recorded within six years next
20 after the commencement of the alleged violation of law. Such
21 notice shall include names of one or more of the owners of
22 record, the name of the body politic initiating the action, ade-

23 quote identification of the structure and the alleged violation,
24 and shall be recorded in the registry of deeds for each county
25 or district in which the land lies.

26 If any structure or other improvement protected by this
27 act shall be destroyed to an extent not exceeding seventy-
28 five per cent of its insurable value, it may be rebuilt substan-
29 tially as prior to its destruction, and all necessary permits
30 therefor shall be granted upon proper application.

31 For the purposes of this section, the record of assessment
32 of any structure or part or alteration thereof for taxation
33 shall be prima facie evidence of the completion of such struc-
34 ture or part or alteration thereof by the first day of January
35 of the year of assessment.

36 This section shall not be construed as extinguishing, limit-
37 ing or abridging any defense against any such action, suit
38 or proceeding which would otherwise be available nor as
39 affecting the right to enforce any law or regulation respecting
40 the use or land or improvements or to enforce any law or
41 regulation with respect to premises which, by reason of their
42 condition, are dangerous to life, safety or health.

1 SECTION 2. Section twenty-three B of chapter one hundred
2 and eighty-four of the General Laws, inserted by section one
3 of this act shall apply to all alleged violations occurring before
4 the effective date of this act, as well as to those made there-
5 after, except that in the case of an alleged violation occurring
6 prior to January first, nineteen hundred and sixty-three, any
7 action, suit or proceeding to which reference is made in sec-
8 tion one must be commenced and notice thereof recorded prior
9 to January first, nineteen hundred and seventy.