

HOUSE No. 2298

By Mr. O'Leary of Boston, petition of Gerald F. O'Leary relative to notice requirements in taking or acquiring lands in advance of the adoption and approval of certain redevelopment plans. Urban Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO NOTICE REQUIREMENTS IN TAKING OR ACQUIRING LANDS IN ADVANCE OF THE ADOPTION AND APPROVAL OF CERTAIN REDEVELOPMENT PLANS.

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 26P of chapter 121 of the General Laws, as most
2 recently amended by section 1 of chapter 764 of the acts of
3 1962, is hereby further amended by striking out the last
4 paragraph and inserting in place thereof the following para-
5 graph:—

6 Notwithstanding any contrary provision of section twenty-
7 six KK or section twenty-six ZZ or any other section of the
8 Housing Authority Law, a housing authority may, with the
9 consent of the housing board and the consent of the city or
10 town in which the land lies, acting by the mayor with the
11 authorization of the city council or by the board of selectmen,
12 and after a temporary loan contract for the purpose has been
13 executed under the federal Housing Act of 1949, as amended,
14 take by eminent domain as aforesaid or acquire by purchase,
15 lease, gift, bequest or grant, and hold, clear, repair, operate,
16 and after having taken or acquired the same, dispose of, land
17 constituting the whole or any part or parts of any area which,
18 after a public hearing of which at least twenty days' notice
19 has been given by publication in a newspaper having a

20 general circulation in the city or town in which the land lies,
21 it has determined to be a substandard, decadent or blighted
22 open area and for which it is preparing a land assembly and
23 redevelopment plan or an urban renewal plan, and for such
24 purposes may borrow money from the federal government or
25 use any available funds or both; provided, however, that no
26 such taking or acquisition shall be effected unless and until
27 the expiration of thirty days after the housing authority has
28 caused a notice of such determination to be published in a
29 newspaper having a general circulation in the city or town in
30 which the land lies. Within thirty days after publication of the
31 notice of such determination, any person aggrieved by such
32 determination may file a petition in the supreme judicial or
33 superior court sitting in Suffolk county for a writ of certiorari
34 against the housing authority to correct errors of law in such
35 determination, which shall be the exclusive remedy for such
36 purpose; and the provisions of section one D of chapter two
37 hundred and thirteen, and of section four of chapter two
38 hundred and forty-nine, shall apply to said petition except as
39 herein provided with respect to the time for the filing
40 thereof.