

SENATE . . . . . No. 1401

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*The Commonwealth of Massachusetts*

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SENATE, May 4, 1970.

The committee on Urban Affairs, to whom was referred the petition (accompanied by bill, House, No. 1171) of Cornelius F. Kiernan and another for legislation to limit the period within which actions may be commenced to enforce zoning ordinances or by-laws, reports the accompanying Bill (Senate, No. 1401).

For the committee,

JOHN JOSEPH MOAKLEY.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT LIMITING THE PERIOD WITHIN WHICH ACTIONS MAY BE COMMENCED TO ENFORCE ZONING ORDINANCES OR BY-LAWS.

*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 40A of the General Laws is hereby amended by  
2 inserting after the first paragraph of section 22 the following  
3 paragraph: —

4 Provided, that, where real property has been improved and  
5 used in accordance with the terms of the original building  
6 permit issued by a person duly authorized to issue such per-  
7 mit, no action, whether criminal or civil, the effect or pur-  
8 pose of which is to compel either abandonment, limitation or  
9 modification of the use contemplated by the permit or the  
10 removal, alteration or relocation of any structure erected in  
11 reliance upon the permit by reason of any alleged violation  
12 of the provisions of this chapter, or of any ordinances or by-  
13 laws adopted thereunder, shall be maintained unless either  
14 such action, suit or proceeding is commenced within six  
15 years next after the issuance of such permit or any aggrieved  
16 party within six years next after the issuance of such permit  
17 sends a registered letter to the city or town clerk notifying  
18 him of any said violation. This proviso shall apply to any  
19 action, suit or proceeding commenced on or after, or pending  
20 at, the effective date of this proviso.