

HOUSE No. 881

By Mr. Zeiser of Wellesley, petition of Dunbar Holmes and Bruce H. Zeiser relative to the burden of proof in certain actions to enforce zoning ordinances or by-laws. Urban Affairs.

The Commonwealth of Massachusetts

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

AN ACT RESPECTING THE BURDEN OF PROOF IN ACTIONS 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 SECTION 1. The first paragraph of section 22 of chapter
2 40A of the General Laws, as amended by chapter 678 of the
3 acts of 1970, is hereby further amended by inserting at the end
4 thereof the following additional sentence: — In any such action,
5 insofar as the records of the city or town are inadequate to
6 establish the facts, it shall be presumed that a building permit
7 was duly issued by a person duly authorized and that the terms
8 of said permit were not inconsistent with the improvement and
9 use of the property.

1 SECTION 2. The last sentence of section 60 of chapter 143
2 of the General Laws is hereby amended by inserting at the
3 beginning thereof the following words: — Except as otherwise
4 provided in section 22 of chapter 40A.

By Mr. Speaker, petition of Charles H. ...
... to ...

The Commission of ...

in the year One Thousand ...

... to ...

... to ...

SECTION 1. The ...
SECTION 2. The ...
SECTION 3. The ...

SECTION 4. The ...
SECTION 5. The ...