

By Mr. Vellucci of Cambridge, petition of Peter A. Vellucci, Sandra Graham and Richard A. Kraus relative to the standing of tenants in zoning appeals. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT CONCERNING THE STANDING OF TENANTS IN ZONING APPEALS.

*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 1A of Chapter 40A of the General Laws,  
2 as established by Section 3A of Chapter 829 of the Acts of 1977 is  
3 hereby amended by inserting the following additional definition  
4 after that for "Permit granting authority:"  
5 "Person aggrieved," as used in Section 17, shall include, but not  
6 be limited to: all residential tenants who are "parties in interest"  
7 pursuant to Section 11.

1 SECTION 2. Section 10 of Chapter 40A of the General Laws, as  
2 amended by Section 4B of Chapter 829 of the Acts of 1977, is  
3 hereby further amended by adding, at the end of the first para-  
4 graph, the following:  
5 No zoning variance shall be granted if it appears that such  
6 variance is in denigration of any of the rights given pursuant to  
7 Chapter 36 of the Acts of 1976, as amended, or of any other law or  
8 regulation establishing or protecting the rights of tenants.

1 SECTION 3. The third sentence of Section 11 of Chapter 40A of  
2 the General Laws is hereby deleted and the following sentence  
3 inserted in its place:  
4 "Parties in interest" as used in this chapter shall mean the peti-  
5 tioner, abutters, owners of land directly opposite on any public or  
6 private street or way, abutters to the abutters within three hundred  
7 feet of the property line of the petitioner as they appear on the most

8 recent applicable tax list, notwithstanding that the land of any such  
 9 owner is located in another city or town, tenants residing in the  
 10 property for which the variance is sought, tenants residing in abut-  
 11 ting property, tenants residing in property abutting such abutting  
 12 property, the planning board of the city or town, and the planning  
 13 board of every abutting city or town.

1 SECTION 4. If any section, subsection, paragraph, sentence or  
 2 word of this Act shall be held unconstitutional, either on its face or  
 3 application, the unconstitutionality of this section, subsection,  
 4 paragraph, sentence or word, or application thereof shall not effect  
 5 any other section, subsection, paragraph, sentence or word, or  
 6 application thereof of this act; and to this end, all sections, subsec-  
 7 tions, paragraphs, sentences, or words of this Act are intended to be  
 8 severable.