

HOUSE No. 2080

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph D. McKenna

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to municipal land ownership.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|-----------------------|------------------|
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>1/11/2023</i> |

HOUSE No. 2080

By Representative McKenna of Webster, a petition (accompanied by bill, House, No. 2080) of Joseph D. McKenna relative to municipalities that own land that is located within the geographical bounds of another municipality. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3883 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to municipal land ownership.

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 40 of the General Laws, as so appearing in the 2018 Official
2 Edition, is hereby amended by inserting after section 3A the following section:-

3 Section 3B. (a) Notwithstanding any general or special law to the contrary, no
4 municipality shall own land that is located within the geographical bounds of another
5 municipality.

6 (b) If a municipality takes possession of land located within the geographical bounds of
7 another municipality for any reason, the municipality shall dispose of such land by private sale or
8 public auction no later than 180 days after taking possession; provided, however, that prior to
9 any sale or other disposition of land, the municipality that owns land located within the

10 geographical bounds of another municipality shall provide written notice, by regular and
11 certified mail, return receipt requested, to the municipality in which the land is located of the sale
12 and offer the municipality in which the land is located a first refusal option to meet a bona fide
13 offer to purchase the land. The municipality shall hold such first refusal option for 60 days after
14 receipt of the notice.

15 The treasurer of any municipality that takes possession of land located within the
16 geographical bounds of another municipality shall assign and transfer title to such land via
17 private sale or to the highest bidder after a public auction, after having given 14 days' notice of
18 the time and place of such public auction by publication and having posted such notice in 2 or
19 more convenient and public places in each municipality, and may execute and deliver on behalf
20 of the municipality any instrument necessary therefor. The instrument of assignment shall be in a
21 form approved by the chief executive officer or executive body of the municipality and shall be
22 recorded within 60 days from its date.

23 SECTION 2. This act shall take effect 2 years after its passage.