

SENATE No. 2430

The Commonwealth of Massachusetts

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

SENATE, July 31, 2023.

The committee on State Administration and Regulatory Oversight, to whom was referred the petition (accompanied by bill, Senate, No. 1975) of Nick Collins for legislation relative to property rights, reports the accompanying bill (Senate, No. 2430).

For the committee,
Nick Collins

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

An Act relative to property rights.

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 1 of chapter 79 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the second sentence the following
3 sentence:

4 Any such order of taking shall include a provision giving the right of first refusal to
5 purchase the property to the owner from whom the property is being taken if the board of
6 officers seeks to dispose of the property for a purpose other than that stated in the order of
7 taking.

8 SECTION 2. Said chapter 79 is hereby further amended by inserting after section 3 the
9 following section:-

10 Section 3A. If property taken by eminent domain by board of officers upon whom
11 authority to take real estate by eminent domain on behalf of any body politic or corporate has
12 been conferred by law is not being used for the purpose stated in the order of taking order of
13 taking recorded pursuant to section 34, the board of officers shall: (i) engage in good faith

14 negotiations with the owner from whom the land was taken to amend the original order of taking,
15 which amendment shall be signed by both parties and filed in the property registry district; or (ii)
16 receive approval for such change by a law enacted by a vote of each branch of the general court.
17 If a body politic or corporate seeks to dispose of property taken by eminent domain for a purpose
18 other than that stated in the order of taking, the owner from whom the property was taken, or
19 their heirs or assignees, shall be given the right of first refusal to purchase the property back from
20 the body politic or corporate.

21 SECTION 3. Section 3A of chapter 79 of the General Laws shall apply to any real
22 property currently held by a body politic or corporate taken by eminent domain.