

**HOUSE . . . . . No. 1630**

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty for legislation to require the disclosure of names and addresses of owners of land taken by eminent domain. The Judiciary.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT REQUIRING THAT THE NAMES AND ADDRESSES OF THE OWNERS OF LAND TAKEN BY EMINENT DOMAIN BE INCLUDED IN THE ORDER OF TAKING.

*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  
2 appearing in the most recent edition, is hereby amended by striking  
3 out section 1 and inserting in place thereof the following section:—  
4 Section 1. Order of Taking; contents.  
5 The taking of real estate or of any interest therein by right of emi-  
6 nent domain may be effected in the following manner. A board of  
7 officers upon whom authority to take real estate by eminent domain  
8 on behalf of any body politic or corporate has been conferred by law,  
9 having first complied with all the preliminary requirements pre-  
10 scribed by law, may adopt an order of taking, which shall contain a  
11 description of the land taken sufficiently accurate for identification,  
12 and shall state the interest therein taken and the purpose for which  
13 such property is taken, and shall contain the names and addresses of  
14 the putative owners of all land taken as shown on the records of the  
15 assessors of the municipality in which such land is taken as of the  
16 January first immediately preceding the municipal fiscal year in  
17 which such land is taken, and in case such taking is for an improve-  
18 ment for which betterments may be assessed, shall state whether bet-  
19 terments are to be assessed therefor. In case there are trees upon the  
20 land taken, or structures affixed thereto, the order of taking shall  
21 state whether the same are to be included in the taking, and, if they  
22 are not so included, shall allow the owner a reasonable time after the

23 date of the order or after entry or possession to remove the same, to  
24 be specified in the order. The failure to include the names and  
25 addresses of one or more of said owners of the land taken as pro-  
26 vided for in the preceding sentence, or the incorrect identification of  
27 any such owner, shall not affect the validity of the taking. The  
28 naming of a putative owner in an order of taking shall not constitute  
29 evidence of any ownership interest; or otherwise relieve any owner  
30 of the burden of proving the right to damages in an action under this  
31 chapter.

1 SECTION 2. This act shall take effect upon its passage.