

# SENATE NO. 750

## **AN ACT** APPEALS OF AFFORDABLE HOUSING DEVELOPMENT DETERMINATIONS

*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 22 of chapter 40B of the General Laws, as so appearing, is hereby  
2 amended by striking “Such decision may be reviewed in the superior court in accordance with  
3 the provisions of chapter thirty A.” and inserting:--  
4 Such decision may be reviewed in the superior court in accordance with the provisions of this  
5 section and the provisions of chapter thirty A. In the event of a conflict, the provisions of this  
6 section shall govern.  
7 A person aggrieved by the issuance of a comprehensive permit shall identify in its complaint the  
8 specific reasons why the project fails to satisfy the requirements of the chapter or applicable  
9 local law. The court shall uphold the issuance of the comprehensive permit and the housing  
10 appeals committee’s decision unless the court concludes that the zoning board of appeal or the  
11 housing appeals committee abused its discretion. A person aggrieved by the issuance of a  
12 comprehensive permit, challenging the approval of a project under chapter 40B, shall post a  
13 bond in an amount to be set by the court that is sufficient to cover twice the estimated cost of (a)  
14 interest at the statutory rate on the current value of the property, computed on the basis of the  
15 project being approved, plus (b) an amount sufficient to cover the defendants’ attorneys fees, all

16 of which shall be computed over the estimated period of time during which the appeal is  
17 expected to delay the start of construction, which bond shall be forfeited to the property owner  
18 in an amount sufficient to cover the property owner's carrying costs and legal fees less any net  
19 income received by the plaintiff from the property during the time of the appeal in the event that  
20 the plaintiff does not substantially prevail on its appeal.  
21 The court exercising jurisdiction over an appeal shall give priority to appeals under this section.