

SENATE NO. 1161

AN ACT LEGITIMIZING STRUCTURES AFTER SIX OR TEN YEARS OF CONTINUOUS USE.

*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 40A of the General Laws is hereby amended by striking out the
2 second paragraph of section 7 and inserting in place thereof the following paragraph:-

3 No local zoning law shall provide penalty of more than three hundred dollars per
4 violation; provided, however, that nothing herein shall be construed to prohibit such
5 laws from providing that each day such violation continues shall constitute a separate
6 offense. No action, suit or proceeding shall be maintained in any court, nor any
7 administrative or other action taken to recover a fine or damages or to compel the
8 removal, alteration, or relocation of any structure or part of a structure or alteration of a
9 structure by reason of any violation of any zoning by-law or ordinance except in
10 accordance with the provisions of this section, section eight and section seventeen;
11 provided, further, that if real property has been improved and used in accordance with

12 the terms of the original building permit issued by a person duly authorized to issue such
13 permits, no action, criminal or civil, the effect or purpose of which is to compel the
14 abandonment, limitation or modification of the use allowed by said permit or the
15 removal, alteration or relocation of any structure erected in reliance upon said permit by
16 reason of any alleged violation of the provisions of this chapter or of any ordinance or
17 by-law adopted thereunder, shall be maintained, unless such action, suit or proceeding is
18 commenced and notice thereof recorded in the registry of deeds for each county or
19 district in which the land lies, or, in the case of registered land such notice is filed in the
20 registry district in which the land lies, within six years next after the commencement of
21 the alleged violation of law; and provided, further that no action, criminal or civil, the
22 effect or purpose of which is to compel the removal, alteration, or relocation of any
23 structure by reason of any alleged violation of the provisions of this chapter, or any
24 ordinance or by-law adopted thereunder, or the conditions of any variance or special
25 permit, shall be maintained, unless such action, suit or proceeding is commenced and
26 notice thereof recorded in the registry of deeds for each county or district in which the
27 land lies, or, in the case of registered land such notice is filed in the registry district in
28 which the land lies, within ten years next after the commencement of the alleged
29 violation; and provided further that if (a) real property has been improved by the
30 erection of one or more structures (which word shall include the singular thereof)
31 thereon and such structures have been in existence for a period of at least ten years and
32 (b) no notice of any action, suit or proceeding as to any alleged violation of this chapter
33 or of any ordinance or by-law adopted thereunder as to such structures has been
34 recorded in the registry of deeds for the county or district in which the real estate is

35 located, or, in the case of registered land such notice is filed in the registry district in
36 which the land is located, within a period of ten years from the date such structures were
37 erected, such structures erected thereon shall, for zoning purposes, be deemed (x) to be
38 in compliance with the provisions of this chapter and any ordinance or by-law adopted
39 thereunder as they existed on the date such structures were erected or (y) to be valid,
40 legally nonconforming structures, as the case may be. Such notice shall include names of
41 one or more of the owners of record, the name of the person initiating the action, and
42 adequate identification of the structure and the alleged violation.