

Important: Shelving Instructions and Shipment Insert

Massachusetts Practice Series

Volumes 18, 18A, 18B, and 18C

Municipal Law and Practice, 5th

Enclosed is the 2025 update to *Municipal Law and Practice*, 5th (Massachusetts Practice Series, Volumes 18, 18A, 18B and 18C). For ease of handling, please note the materials in this shipment may ship in more than one box.

Shelving Instructions

REMOVE and RECYCLE the 2024 pocket parts and supplements. **PLACE** the 2025 supplement pamphlets for Vols. 18, 18B, and 18C beside their corresponding hardbound volume. Place the 2025 pocket part for Vol. 18A inside the back cover of hardbound Volume 18A.

Highlights

Recent developments in this update include:

Employment: Government officials cannot wield power selectively to punish or suppress speech directly or through private intermediaries (§ 10.17); Appointing authority may request administrator to limit eligibility to persons who are fluent in a specific foreign language spoken among the constituency served (§ 11.4); Appointing authority must appoint person ranked highest, or provide to that person a written statement for bypass and right to appeal (§ 11.6); Application of “anti-spiking” provision (§ 13.4); Individual who collects public retirement benefits may generally not be paid for services rendered to the state or local government (§ 13.7).

Finance and taxation: False Claims Act-misrepresentation must be “material” (§ 33.53); Uniform notices for collection and foreclosure process (§ 37.17); Purchasers of tax receivables required to notify taxpayer and municipality (§ 37.25, § 37.40); Municipality or purchaser of tax receivable that decides to retain asset following foreclosure must obtain appraisal (§ 37.56); Determination of “excess equity,” notice and disputes (§ 37.53.50).

Housing: Housing authority may join or cooperate with one or more other operating agencies (§ 25.12); Commissioner of capital asset management may sell, lease, transfer or otherwise dispose of state property for housing purposes (§ 25.22); “Seasonal community” designation provides additional tools to create and preserve affordable housing (§ 25.27).

Land use: Single accessory dwelling units generally allowable in single family residential districts (§ 17.4); No municipality shall unreasonably restrict creation or rental of accessory dwelling that is not a short term rental (§ 17.25, § 17.30, § 17.60); Use allowable in district does not immunize facility from nuisance action (§ 17.9, § 19.29); Extended time for use or construction to commence under

special permit or site plan (§ 17.10, § 17.42); Adjacent lots under common ownership shall not be treated as a single lot if certain requirements met (§ 17.37).

Ordinances and regulations: Switchblades and stun guns are guns for Second Amendment purposes (§ 16.10); Changes in firearm licenses, applications and renewals, revocations, suspensions and judicial review (§ 16.10); Extreme risk protection provision (§ 16.10); Annual inspection of kennels, record keeping (§ 16.11); Incremental prohibition of sale of tobacco products not pre-empted by state law (§ 19.19); No person engaging in fishing activities by DMF required to file notice of intent under Wetlands Protection Act or pursuant to local bylaw (§ 20.3, § 20.4); Local agency approval which has been delayed or found burdensome can be appealed by energy facilities to siting board (§ 20.14); Restriction on camping on public property not cruel and unusual when applied to homeless (§ 15.15, § 16.1); “Takings” Clause does not distinguish between legislative or administrative land use conditions (§ 15.18); City prayer policy did not violate Establishment or Free Exercise clause (§ 15.15).

Practice: Strategic litigation (SLAPP)—SJC sets forth revised framework for analysis of special motion to dismiss (§ 40.33).

Public records: Record request must contain a reasonable description of requested record (§ 8.4); Concept of “reasonableness” incorporated into manner, means and methods by which access is implemented (§ 8.4); Policy deliberation exemption applies to advisory opinions, recommendations, and deliberations (§ 8.4).

Public safety: Personnel administrator may authorize appointing authority to create its own registers of entry-level municipal police and fire candidates (§ 21.1); Mere fact that concerned friend, family member or neighbor requested wellness check does not automatically justify warrantless entry into home (§ 21.14); Strip search unreasonable where, absent exigent circumstances, it is conducted in public (§ 21.14).

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