

THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

Joint Committee on Judiciary

Claire D. Cronin, House Chair
24 Beacon Street
Boston, MA 02133

James B. Eldridge, Senate Chair
24 Beacon Street
Boston, MA 02133

Dear Members of the Judiciary Committee:

We write to you in strong support of H.4744 / S.2700 – An Act to Provide Liability Protections for Contractors, Sub-Contractors and Unions During the COVID-19 Pandemic. This legislation will establish limited liability protection for contractors and sub-contractors unable to complete construction projects due to the COVID-19 pandemic.

Prior to COVID-19 sweeping our communities, the state of Massachusetts was experiencing a widespread construction boom. Through both private and public construction projects this industry is responsible for aiding the development of the Commonwealth in many key ways. However, as the pandemic struck it became significantly dangerous to the health of workers to continue construction progress given the highly contagious nature of this deadly virus. As the Massachusetts Building Trades and their affiliated unions called upon the Governor to shutdown construction, we knew this could open a door to predatory lawsuits and individuals looking to gain opportunistically.

With construction at a stand-still H.4744 / S.2700 became incredibly vital, ensuring that contractors, sub—contractors, and unions would not be on the hook for liquidated damages if a construction project were not finished on time. This legislation gives responsible contractors & developers who are genuinely concerned for their employees, the true ability to make the right decision without the financial threat of being sued for liquidated damages; it makes it possible for them to put safety first.

It is uncertain when construction will ramp up to pre-quarantine levels however it is clear that time must be devoted to establishing safety protocols and procedures for worksites. Yet costly and unnecessary litigation diverts time and resources away from the development of these procedures. While construction schedules and completion plans are important and carefully

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planned, none could have foreseen a global pandemic that imperiled Commonwealth residents and as such, the legislature must act to support individuals that may face unfair burden for prioritizing their health and well-being.

We thank the Joint Committee on Judiciary for their work during these uncertain times and ask for a favorable report on H.4744 / S.2700.

Sincerely,

Rep. Paul Mark
2nd Berkshire District

Sen. Paul R. Feeney
Bristol Norfolk District

Rep. Dan Donahue
16th Worcester District

Sen. Joanne Comerford
Hampshire, Franklin, and Worcester District

Rep. Bradley H. Jones, Jr.
Minority Leader

Sen. Diana DiZoglio
1st Essex District

Rep. Brian Ashe
2nd Hampden District

Rep. John Barrett
1st Berkshire District

Rep. Natalie Blais
1st Franklin District

Rep. Peter Capano
11th Essex District

Rep. Dan Carey
2nd Hampshire District

Rep. Gerry Cassidy
9th Plymouth District

Rep. Tackey Chan
2nd Norfolk District

Rep. Mike Connolly
26th Middlesex District

Rep. Josh Cutler
6th Plymouth District

Rep. Nika Elugardo
15th Suffolk District

Rep. Tricia Farley-Bouvier
3rd Berkshire District

Rep. Michael Finn
6th Hampden District

Rep. Sean Garballey
23rd Middlesex District

Rep. Carlos Gonzalez
10th Hampden District

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21st Middlesex District

Rep. Jim Hawkins
2nd Bristol District

Rep. Natalie Higgins
4th Worcester District

Rep. Mary Keefe
15th Worcester District

Rep. David LeBoeuf
17th Worcester District

Rep. Brian Murray
10th Worcester District

Rep. William "Smitty" Pignatelli
4th Berkshire District

Rep. Maria Robinson
6th Middlesex District

Rep. Lindsay Sabadosa
1st Hampshire District

Rep. Aaron Vega
5th Hampden District

Rep. Bud Williams
11th Hampden District

Rep. David DeCoste
5th Plymouth District

Rep. Steve Howitt
4th Bristol District

Rep. Tami Gouveia
14th Middlesex District

Rep. Christopher Hendricks
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Rep. Angelo Puppolo
12th Hampden District

Rep. Dave Rogers
24th Middlesex District

Rep. Jose Tosado
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Rep. Susannah Whipps
2nd Franklin District

Sen. Brendan Crighton
3rd Essex District

Rep. Mindy Domb
3rd Hampshire District

Rep. Stephan Hay
3rd Worcester District

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