SENATE DOCKET, NO. FILED ON: 1/2/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Tarr, Bruce (SEN)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General
 Court assembled:*

 The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act streamlining permitting for housing

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Tarr, Bruce (SEN) | First Essex and Middlesex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00779 OF .]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act streamlining permitting for housing.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1. Section 2 of chapter 43D of the General Laws, as amended by section 11 of chapter 205 of the acts of 2006, is hereby amended by inserting after the words “Technical review team” the following words:-

“Housing Priority Zone”, a privately or publicly owned property, a zoning district or a zoning overlay district zoned and designated for the development or redevelopment of housing which:

1. Exceeds the allowable unit density by a minimum of 50 percent greater than the density allowed prior to designation as a priority zone, and shall in no case have a lot size greater than ½ acre;
2. Includes a minimum of 40% of its units as affordable housing, as defined in Section 2 of Chapter 40R, to those earning 80% or less of area median income;
3. May incorporate the use of zoning methods known as cluster development, as defined in Section 9 of Chapter 40A of the General Laws, or open space residential design; and
4. Is designated a priority development site by the board, in consultation with the Department of Housing and Community Development.

SECTION 2.  Chapter 43D of the General Laws, as amended by section 11 of chapter 2005 of the acts of 2005, is hereby amended by inserting after section 16 the following sections:-

Section 17.  For the purposes of determining consistency with the definition of “consistent with local needs” contained in Section 20 of Chapter 40b of the General Laws, a housing unit developed in a housing priority zone shall be credited at the rate of 1.75 units upon the issuance of a building permit.

Section 18. Any individual or family residing in affordable housing within a housing priority zone shall report to the local administrative office responsible for housing development and administration not less than once every three years to certify that the property has not been sold or otherwise transferred to an individual or family who exceeds the income limits of the affordable housing program. If said property is sold or otherwise transferred to an individual or family who do not exceed the income limits, then the reporting responsibility shall devolve to the new owner or owners of the property.

SECTION 3. The provisions of this Act shall expire five years following the date of its passage unless otherwise terminated, modified or extended.