

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 relative to affordable housing and the preservation of a community's water resources.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1258 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AFFORDABLE HOUSING AND THE PRESERVATION OF A COMMUNITY'S WATER RESOURCES.

*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 20 of chapter 40B, as appearing in the 2006 Official Edition, is hereby
2 amended by striking the definition of "consistent with local needs" and inserting in place
3 thereof the following:--

4 "Consistent with local needs", requirements and regulations shall be considered
5 consistent with local needs if they are reasonable in view of the regional need for low and
6 moderate income housing considered with the number of low income persons in the city or
7 town affected and the need to protect the health or safety of the occupants of the proposed
8 housing or of the residents of the city or town, to promote better site and building design in
9 relation to the surroundings, to preserve the municipal water supply or the region's natural
10 water resources, or to preserve open spaces, and if such requirements and regulations are

11 applied as equally as possible to both subsidized and unsubsidized housing. Requirements or
12 regulations shall be consistent with local needs when imposed by a board of zoning appeals
13 after a comprehensive hearing in a city or town where (1) low or moderate income housing
14 exists which is in excess of ten percent of the housing units reported in the latest federal
15 decennial census of the city or town or on sites comprising one and one half percent or more of
16 the total land area zoned for residential, commercial or industrial use or (2) the application
17 before the board would result in the commencement of construction of such housing on sites
18 comprising more than three tenths of one percent of such land area or ten acres, whichever is
19 larger, in any one calendar year; provided, however, that land area owned by the United States,
20 the commonwealth or any political subdivision thereof, or any public authority shall be
21 excluded from the total land area referred to above when making such determination of
22 consistency with local needs.

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