

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert L. Hedlund**

*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 40B Project Definitions.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	Plymouth and Norfolk

# The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO 40B PROJECT DEFINITIONS.

*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 of the Massachusetts General Laws is hereby amended  
2 by adding the following definition:-

3 “Project,” shall be defined as a development involving the construction of substantial  
4 rehabilitation of units of Low or Moderate Income Housing that is the subject of an application  
5 to a Board for a Comprehensive Permit or for an appeal before the Committee and as further  
6 defined by regulations. To be considered a project, a minimum of 35% of the units must contain  
7 a use restriction for low-income persons, or 50% if for medium-income persons.

8 A project may contain ancillary commercial, institutional, or other non-residential uses, so long  
9 as the non-residential elements of the Project are planned and designed to:

- 10 (a) complement the primary residential uses, and  
11 (b) help foster vibrant, workable, livable, and attractive neighborhoods consistent  
12 with applicable local land use plans and state sustainable development principles  
13 (c) are consistent with existing commercial zoning  
14

15 The total square footage for non-residential elements shall not exceed 15% of the total square  
16 footage of the residential segment. The local board may waive this restriction if the project meets  
17 smart growth principles.