

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. Spilka

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 regarding the method in which a city or town may meet its low or moderate income housing requirement.

PETITION OF:

NAME:

Ms. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00776 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REGARDING THE METHOD IN WHICH A CITY OR TOWN MAY MEET ITS LOW OR
MODERATE INCOME HOUSING REQUIREMENT.

*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 General Laws, as appearing in the 2006 official
2 edition, is hereby amended by adding the following after paragraph 1:-

3

4 “Adjunct apartment housing”, a separate housing unit, complete with its own sleeping, cooking,
5 and sanitary facilities, that is substantially contained within the structure of a single family
6 dwelling, but functions as a separate unit.

7

8 SECTION 2. Section 20 of chapter 40B of the General Laws, as appearing in the 2006 official
9 edition, is hereby amended in paragraph 4 by striking the sentence on lines 29 through 43 and
10 inserting in place thereof the following:-

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

24

25 SECTION 3. Section 5 of chapter 59 of the General Laws, as appearing in the 2006 official
26 edition, is hereby amended by adding the following clause:—

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28 Fifty-sixth. The increased value of residential real property as a result of alterations or
29 improvements thereto, not to exceed a percentage of the taxes due as shall be determined by the
30 city or town, resulting from alterations or improvements that are made to create an adjunct
31 apartment which qualifies as low or moderate income housing pursuant to section 20 of chapter
32 40B. Any exemption granted pursuant to this clause shall terminate when the premises no longer
33 meets the requirements of said section 20 of chapter 40B. This clause shall take effect upon its

34 acceptance by any city or town and shall apply only to alterations or improvements made on or
35 after the date of such acceptance by such city or town.

36

37 Notwithstanding any provisions of this clause to the contrary, a city or town by vote of its town
38 meeting, town council or city council with the approval of the mayor where required by law, may
39 adopt and authorize exemptions from property taxes, in accordance with this clause, for a
40 specified term not to exceed 15 years, for that portion of any parcel of real estate which is
41 certified as an affordable adjunct apartment pursuant to section 20 of chapter 40B.