

**SENATE . . . . . No. 1039**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Thomas P. Kennedy***

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*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 adoption of the accompanying bill:

An Act ammending the subsidized housing inventoy for the town of Hanover.

\_\_\_\_\_

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Thomas P. Kennedy*

**SENATE . . . . . No. 1039**

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By Mr. Kennedy, petition (accompanied by bill, Senate, No. 1039) of Kennedy for legislation to amend the subsidized housing inventory for the town of Hanover [Joint Committee on Municipalities and Regional Government].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2539 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act amending the subsidized housing inventory for the town of Hanover.

*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. Amendment to Subsidized Housing Inventory.

2           Notwithstanding any general or special law, state agency regulations or guidelines to the  
3 contrary, the count of Low or Moderate Income Housing units in the Subsidized Housing  
4 Inventory (SHI), as defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23  
5 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto, including,  
6 but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing)  
7 shall include for the Town of Hanover, Massachusetts any and all units in the Town which have  
8 been constructed for, or are occupied by the students of, any non-profit or educational institution,  
9 without limitation, including Cardinal Cushing Centers, Inc., and which have been constructed  
10 utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts

11 Development Finance Agency (MassDevelopment) as such Agency is established and defined in  
12 Massachusetts General Laws (MGL) Chapter 23G.

13 Notwithstanding any general or special law to the contrary, the Town of Hanover shall  
14 receive full credit on the Subsidized Housing Inventory (SHI) as one unit of Low or Moderate  
15 Income Housing for each individual unit room within each building constructed since 2000  
16 utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts  
17 Development Finance Agency (MassDevelopment). For the calendar year 2010 and each  
18 calendar year thereafter the Town of Hanover shall receive full credit on the Subsidized Housing  
19 Inventory (SHI), as one unit of Low or Moderate Income Housing each, for no less than sixty-six  
20 (66) individual units, which is the number of unit rooms constructed and available for occupancy  
21 at the Cardinal Cushing School operated by Cardinal Cushing Centers, Inc., in accordance with  
22 this Section.

23 Any additional qualifying units of Low or Moderate Income Housing established for the  
24 Subsidized Housing Inventory (SHI) of the Town of Hanover, Massachusetts pursuant to this Act  
25 shall be in addition to any units otherwise qualifying for the purposes of Massachusetts General  
26 Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any  
27 regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive  
28 Permit; Low or Moderate Income Housing)

29 SECTION 2. Relation to Existing Statutes and Regulations.

30 If any provision of this Act conflicts with any provisions of any general or special law,  
31 state agency regulations or guidelines, the provisions of this Act shall govern.

32 SECTION 3. Requirements for State Agencies.

33           It shall be the responsibility of the Department of Housing and Community Development  
34 (DHCD), as such Agency is established and defined in Massachusetts General Laws (MGL)  
35 Chapter 23B, and the Housing Appeals Committee (HAC), as such Agency is established and  
36 defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and  
37 Moderate Income Housing) and 760 CMR 56 (Comprehensive Permit; Low or Moderate Income  
38 Housing) to update and maintain an accurate count of Low or Moderate Income Housing units in  
39 the Subsidized Housing Inventory (SHI) for the Town of Hanover, Massachusetts in accordance  
40 with this Act.

41           Further, it shall be the responsibility of the Department of Housing and Community  
42 Development (DHCD) and the Housing Appeals Committee (HAC) to incorporate the  
43 requirements of this Act when making any determinations or taking any actions under  
44 Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income  
45 Housing) and any regulations adopted pursuant thereto, including, but not limited to 760 CMR  
46 56 (Comprehensive Permit; Low or Moderate Income Housing), relative to the Subsidized  
47 Housing Inventory (SHI) for the Town of Hanover, Certification of Compliance with Hanover’s  
48 Affordable Housing Plan (AHP) Production, and any appeals or requests for determination,  
49 including but not limited to whether any decision of the Town of Hanover Zoning Board of  
50 Appeals (ZBA) is “consistent with local needs.” If the Subsidized Housing Inventory (SHI) for  
51 the Town of Hanover, as defined by Massachusetts General Laws (MGL) Chapter 40B, Sections  
52 20-23 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto,  
53 including, but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income  
54 Housing) and as amended by this Act exceeds ten percent (10%), any decision of the Town of  
55 Hanover Zoning Board of Appeals (ZBA) shall be deemed “consistent with local needs” and

56 shall be upheld by the Department of Housing and Community Development (DHCD) and the  
57 Housing Appeals Committee (HAC) accordingly.

58 SECTION 4. Effective Date.

59 This Act shall take effect upon its passage by the General Court.