

**SENATE . . . . . No. 860**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 relative to attainable housing in seasonal communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>2/7/2023</i>

**SENATE . . . . . No. 860**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 860) of Julian Cyr and Lydia Edwards for legislation relative to attainable housing in seasonal communities. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 873 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to attainable housing in seasonal communities.

*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. Notwithstanding any general or special law to the contrary, the department  
2 of housing and economic development shall give special consideration to the following relative  
3 to counting otherwise non-qualified projects as part of the overall percentage for a municipality  
4 for the purposes of their subsidized housing inventory: (1) 1 bedroom housing units in  
5 municipalities that can demonstrate their low income housing needs are not limited to 2, 3 and 4  
6 bedroom units; (2) projects in municipalities within the commonwealth with an average home  
7 price that is 100 per cent greater than the statewide median home price; (3) covenant housing  
8 within the town of Nantucket; and (4) developments of low-income units in bordering  
9 municipalities or a distinct geographic region where both municipalities have invested  
10 community preservation act funds or funds from a municipal housing trust.

11 SECTION 2. Section 6 of chapter 44B of the General Laws, as appearing the 2020  
12 Official Edition, is hereby amended by inserting after the word “purpose”, in line 23, the  
13 following words:-

14 “; provided, however, that funds for open space or historic preservation that have not  
15 been expended for not less than three consecutive fiscal years may be transferred by the chief  
16 executive authority of the municipality for community housing, waste water infrastructure or  
17 water infrastructure by a majority vote of the legislative body”

18 SECTION 3. Section 1A of chapter 40A of the General laws, as appearing in the 2020  
19 Official Edition, is hereby amended by adding the following definition:-

20 “Tiny house”, a detached structure containing a dwelling unit with no more than 600  
21 square feet, excluding the area of any floor level located above the main floor, intended for year  
22 round occupancy that meets the requirements of chapter 143, and may include single-room  
23 structures, and which is built on either a permanent foundation or on a chassis that is suitable for  
24 registration for transport on public highways of the state.

25 SECTION 4. Section 3 of chapter 40A of the General Laws, as appearing in the 2020  
26 Official Edition, is hereby amended by adding the following paragraph:-

27 “A municipality that permits accessory dwelling units pursuant to this section shall  
28 permit a tiny house as a detached accessory dwelling unit; provided, however, that such land or  
29 structures may be subject to reasonable regulations concerning dimensional setbacks, screening  
30 and the bulk and height of structures; provided, however, that a tiny house used for habitation  
31 shall be connected to a public water system or a private well, and to a public sewer system or a  
32 subsurface wastewater disposal system that has been approved by the Massachusetts department

33 of environmental protection. A zoning ordinance or by-law may require that the principal  
34 dwelling or the accessory dwelling unit be continuously owner-occupied and may limit the total  
35 number of accessory dwelling units in the municipality to not less than 5 per cent of the total  
36 non-seasonal single-family housing units in the municipality.”

37 SECTION 5. Chapter 40 of the General Laws, as appearing in the 2020 Official Edition,  
38 is hereby amended by inserting, after section 60B, the following new section:-

39 60C. A city or town, by vote of its town meeting, town council or city council, with the  
40 approval of the mayor where required by law, on its own behalf or in conjunction with one or  
41 more cities or towns, may exempt from property taxation, under chapter 59, a dwelling unit that  
42 is rented on a yearly basis, and occupied year-round, for an amount not to exceed 150 per cent  
43 the fair market rent established by the United States Department of Housing and Urban  
44 Development for the metropolitan statistical area. The owner of a dwelling qualifying for  
45 exemption under this section shall submit to the municipality or its agent documentation,  
46 including but not limited to a signed lease, necessary to confirm the eligibility of the rental.

47 The amount of the exemption shall be determined by the municipality but shall not  
48 exceed an amount equal to the tax otherwise owed on the property based on the assessed value of  
49 the property, including accessory dwelling units, multiplied by the square feet of the living space  
50 of all dwelling units on the property that qualify under this section, divided by the total square  
51 feet of structures on the property.

52 SECTION 6. Chapter 23B of the General Laws, as appearing in the 2020 Official  
53 Edition, is hereby amended by adding the following new section:-

54 Section 31. (a) For purposes of this section:

55 “Affordable rental housing” means housing that serves persons with a household income  
56 of less than 120 per cent of median income for a municipality; and

57 “Qualified developer” means a developer that has partnered with a school district or  
58 municipality to create affordable rental housing for school district or municipal employees.

59 (b)The department, or any division within the department, may enter into long-term  
60 financing agreements with school districts, municipalities and qualified developers for the  
61 creation of affordable rental housing for municipal employees.

62 (c) Payment on a finance agreement under this section shall be deferred until the  
63 affordable rental housing that is financed is put into service and the school district or  
64 municipality begins collecting rent from the occupants of that affordable rental housing.

65 SECTION 7. Chapter 60 of the General Laws, as appearing in the 2020 Official Edition,  
66 is hereby amended by inserting, after section 37B, the following new section:-

67 Section 37C. A property subject to sale under section 37 of this chapter that contains  
68 three (3) or less units, the department of housing and community development, shall have a right  
69 of first refusal to acquire the tax lien at tax sale, and may assist the owner to discharge the lien or  
70 take title and acquire the property in its own name pursuant to regulations to be developed by the  
71 corporation, consistent with its purposes. The corporation shall notify the collector of its  
72 intention to exercise this right no later than 10 days before the date of sale or any adjournment of  
73 the sale. Failure of the corporation to notify the collector as provided herein shall extinguish the  
74 right of first refusal under this section.

75           SECTION 8. Notwithstanding any general or special law to the contrary, a special  
76 commission is hereby established for the purposes of making an investigation and study relative  
77 to the impact of the state building code, fire code, health code, and sanitary code on the  
78 availability of affordable housing in the Commonwealth and to whether or not the building code,  
79 fire code, health code, or sanitary code may be amended to promote the development of housing  
80 that is affordable for a majority of residents. The commission shall consist of: 2 members of the  
81 senate to be appointed by the president of the senate; 2 members of the house to be appointed by  
82 the speaker of the house; and 9 persons appointed by the governor, 1 of whom shall be a  
83 representative of the Home Builders and Remodeler's Association of Massachusetts, 1 of whom  
84 shall be a representative of the Massachusetts Association of Realtors, 1 of whom shall be a  
85 representative of MassHousing, 1 of whom shall be a representative of the department of housing  
86 and community development, 1 of who shall be a representative of the Building Code  
87 Coordinating Council, 1 of whom shall be a representative of the Massachusetts Association of  
88 Community Development Corporations, 1 of whom shall be a contractor with experience in  
89 building tiny homes, 1 of whom shall be an individual who resides in a tiny home, and 1 of  
90 whom shall be an individual who resides in an accessory dwelling unit.

91           All appointments shall be made not later than 30 days after the effective date of this act.  
92 Members shall not receive compensation for their services but may receive reimbursement for  
93 the reasonable expenses incurred in carrying out their responsibilities as members of the  
94 commission.

95           Not later than December 1, 2024, the commission shall report to the general court the  
96 result of its investigation and study and its recommendations, if any, together with drafts of  
97 legislation necessary to carry its recommendations into effect by filing the same with the clerk of

- 98 the house of representatives who shall forward the same to the joint committee on housing and
- 99 the joint committee on community development and small businesses.