

SENATE No. 645

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 Affordable Housing Project Definitions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	Plymouth and Norfolk
James Cantwell	4th Plymouth
Bruce E. Tarr	First Essex and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO AFFORDABLE HOUSING 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

2 amended 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 20% of the units must contain
7 a use restriction for low-income persons, or 25% 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 The total square footage for non-residential elements shall not exceed 15% of the total square
15 footage of the residential segment. The local board may waive this restriction if the project meets
16 smart growth principles.

17 **SECTION 2:** Section 20 of chapter 40B of the Massachusetts General Laws is hereby
18 amended by striking the definition of “low or moderate income housing” and replacing it with
19 the following:-

20 “Low or moderate income housing”, any housing subsidized by the federal or state government
21 under any program to assist the construction of low or moderate income housing as defined in
22 the applicable federal or state statute, whether built or operated by any public agency or any
23 nonprofit or limited dividend organization. Housing built under this chapter shall not exceed
24 1,000-square-feet for a two-bedroom unit, or 1,200-square-feet for a three-bedroom unit. Further,
25 projected monthly utility costs may not exceed standards used by the local Habitat for Humanity
26 chapter.