HOUSE DOCKET, NO. 3848 FILED ON: 8/28/2013

HOUSE . . . . . No. 3653

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 municipal relief with respect to temporary recognition of affordable housing approved by municipalities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. O'Day	*14th Worcester*

HOUSE DOCKET, NO. 3848 FILED ON: 8/28/2013

HOUSE . . . . . No. 3653

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day relative to the calculation of affordable housing units by municipalities. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to municipal relief with respect to temporary recognition of affordable housing approved by municipalities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. It is hereby recognized that, due to fiscal circumstances beyond the control of municipalities and developers of affordable housing, it can be difficult to build affordable housing projects even after such projects have been locally approved.

Section 2. It is hereby further recognized that there are municipalities who have approved low and moderate income housing that would provide low or moderate income housing of ten per cent or greater of the total housing units reported in the latest federal decennial census for purposes of section 20 of chapter 40B of the General Laws; however, not all of the approved and still eligible to be constructed projects have been constructed.

Section 3. It is hereby further recognized that low and moderate income housing projects that have been approved and are still eligible to be constructed should be included in the calculation of whether a municipality has low or moderate income housing of ten per cent of greater of the total housing units reported in the latest federal decennial census for purposes of section 20 of chapter 40B of the General Laws and, so, shall be reflected in the list known as the Subsidized Housing Inventory ("SHI") maintained by the Massachusetts Department of Housing and Community Development.

Section 4. Section 20 of Chapter 40B of the General Laws is hereby amended by deleting in its entirety subsection (1) of the definition of Consistent with Local Needs" and by inserting in place thereof the following: (I) low or moderate income housing units, which either exist or have been locally approved and notice of the approval has been filed with the city or town clerk and

the approval has not yet expired and which are in excess of ten percent of the housing units

reported in the latest federal decennial census of the city or town or on sites comprising one and one half per cent or more of the total land area zoned for residential, commercial or industrial use.

Section 5. This act shall be applicable to all low or moderate income housing approved by municipalities under chapter 40B and filed with the respective city or town clerk on or before January 1, 2000. Furthermore, any approval for any housing unit that was in effect (and for which appeals regarding the initial permit were resolved) on or before January 1, 2004 shall expire on January 1, 2014 for any unit for which a building permit has not issued on or before that or for any unit that has a building permit on or before January 1, 2014 but for which an occupancy permit is not issued on or before January 1, 2016.

Section 6. This act shall expire, without any further action of the General Court seven years from the date of approval, unless sooner renewed; provided, however, that any low or moderate income housing appearing on the above-referenced SHI at the time of expiration of this act shall continue to be governed by the provisions of this act until expiration of local approval.

Section 7. This act shall take effect 120 days after its passage.