

**HOUSE . . . . . No. 1127**

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**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:

*James J. O'Day*

DISTRICT/ADDRESS:

*14th Worcester*

**HOUSE . . . . . No. 1127**

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By Mr. O’Day of West Boylston, a petition (accompanied by bill, House, No. 1127) of James J. O’Day relative to the calculation of affordable housing units by municipalities. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3653 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

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:*

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

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

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

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

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

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

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

30 that or for any unit that has a building permit on or before January 1, 2014 but for which an  
31 occupancy permit is not issued on or before January 1, 2016.

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

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