SENATE DOCKET, NO. 657 FILED ON: 1/15/2015

SENATE . . . . . No. 700

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 adoption of the accompanying bill:

An Act further defining 40B projects.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert L. Hedlund	*Plymouth and Norfolk*
David F. DeCoste	*5th Plymouth*

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SENATE . . . . . No. 700

By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 700) of Robert L. Hedlund and David F. DeCoste for legislation to further define 40B projects. Housing.

The Commonwealth of Massachusetts

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

An Act further defining 40B projects.

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: Section 20 of chapter 40B of the Massachusetts General Laws is hereby amended by adding the following definition:-

"Project," shall be defined as a development involving the construction of substantial rehabilitation of units of Low or Moderate Income Housing that is the subject of an application to a Board for a Comprehensive Permit or for an appeal before the Committee and as further defined by regulations. To be considered a project, a minimum of 20% of the units must contain a use restriction for low-income persons, or 25% if for medium-income persons.

A Project may contain ancillary commercial, institutional, or other non-residential uses, so long as the non-residential elements of the Project are planned and designed to:

(a) complement the primary residential uses, and

(b) help foster vibrant, workable, livable, and attractive neighborhoods consistent 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
15 square footage of the residential segment. The local board may waive this restriction if the
16 project meets 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
21 government under any program to assist the construction of low or moderate income housing as
22 defined in the applicable federal or state statute, whether built or operated by any public agency
23 or any nonprofit or limited dividend organization. Housing built under this chapter shall not
24 exceed 1,000-square-feet for a two-bedroom unit, or 1,200-square-feet for a three-bedroom unit.
25 Further, projected monthly utility costs may not exceed standards used by the local Habitat for
26 Humanity chapter.