

# HOUSE . . . . . No. 1203

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Nine  
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An Act relative to low and moderate income housing..

*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 General Laws as appearing in the 2004  
2   Official Edition, is hereby amended by inserting after the word “year”, in line 39, the following:  
3   - or (3) the number of housing units transferred or sold in the prior calendar year at a value not  
4   exceeding the maximum sale price for a low or moderate income person as determined by the  
5   department of housing and community development exceeds 12 per cent of the total number of  
6   housing units transferred or sold during the same period.

7           SECTION 2. Said chapter 40B is hereby further amended by inserting after section 23  
8   the following section: -

9           Section 23A. The department of housing and community development shall promulgate  
10   rules and regulations consistent with the preceding sections. Said rules and regulations shall  
11   govern the application of the provisions of sections 20, 21, 22, and 23 and shall include, at a  
12   minimum: maximum density limits, the minimum percentages of subsidized low and moderate  
13   units in each proposed development project in order to qualify for application of the sections, a  
14   provision to allow municipalities to gain credit for units participating in rental voucher programs,

15 and a methodology for determining the local housing needs of a community in view of the  
16 regional need for low and moderate income housing considered with the number of low income  
17 persons in the municipality affected and the need to protect the health and safety of the occupants  
18 of the proposed housing or the residents of the city or town and to promote superior site and  
19 building design in the character of its surroundings.