

**HOUSE . . . . . No. 1225**

---

The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the Year Two Thousand Nine**  
\_\_\_\_\_

An Act relative to affordable housing and the preservation of a community's water resources..

*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, as appearing in the 2006 Official Edition, is  
2 hereby amended by striking the definition of “consistent with local needs” and inserting in place  
3 thereof the following:--

4 "Consistent with local needs", requirements and regulations shall be considered  
5 consistent with local needs if they are reasonable in view of the regional need for low and  
6 moderate income housing considered with the number of low income persons in the city or town  
7 affected and the need to protect the health or safety of the occupants of the proposed housing or  
8 of the residents of the city or town, to promote better site and building design in relation to the  
9 surroundings, to preserve the municipal water supply or the region’s natural water resources, or  
10 to preserve open spaces, and if such requirements and regulations are applied as equally as  
11 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be  
12 consistent with local needs when imposed by a board of zoning appeals after a comprehensive  
13 hearing in a city or town where (1) low or moderate income housing exists which is in excess of  
14 ten percent of the housing units reported in the latest federal decennial census of the city or town

15 or on sites comprising one and one half percent or more of the total land area zoned for  
16 residential, commercial or industrial use or (2) the application before the board would result in  
17 the commencement of construction of such housing on sites comprising more than three tenths of  
18 one percent of such land area or ten acres, whichever is larger, in any one calendar year;  
19 provided, however, that land area owned by the United States, the commonwealth or any  
20 political subdivision thereof, or any public authority shall be excluded from the total land area  
21 referred to above when making such determination of consistency with local needs.