

HOUSE No. 1227

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to authorize limited rate of growth controls and to promote housing production..

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 3 chapter 40A of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by adding at the end thereof the following:--

3 No zoning ordinance or by-law adopted after January 1, 2011 shall regulate or restrict the
4 rate of development or number of building permits or special permits or other forms of zoning or
5 subdivision approval that may be issued by a municipality within a defined time period, unless
6 the limitations placed on development are, in both their nature and extent, a reasonable response
7 to specific tangible concerns identified in the zoning ordinance or by-law, and the zoning
8 ordinance or by-law establishes a reasonable deadline for completing and implementing a
9 strategic plan to address the specific identified concerns. No such rate of growth regulation or
10 restriction or extension thereof shall be in place for longer than one year unless extended by a
11 vote of a town meeting or a city council following receipt of a report and recommendation by the
12 planning board based upon evidence substantiating the need for an extension of the temporary
13 ordinance or by-law for one additional year.