

**HOUSE . . . . . No. 3462**

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Nine**  
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An Act to exclude cities and towns that adopt a housing linkage program from certain provisions of chapter 40b..

*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 21 of chapter 40B of the General Laws, as appearing in the 2004  
2 Official Edition, is hereby amended by inserting, in line 1 before the word “any”, the words: --  
3 “Any community that, by majority vote of the city council or town meeting, shall be exempted  
4 from the provisions of section 22 and section 23 of chapter 40B, provided that said community  
5 elects to establish a housing linkage program. Said linkage program shall require that developers  
6 of commercial, retail, hotel, or institutional structures greater than 25,000 square feet seeking  
7 zoning relief pay a fee to construct affordable housing at a site other than the proposed  
8 development. Residential developers constructing greater than twenty units of housing shall be  
9 required to pay this fee or provide a minimum of ten percent of the units for affordable housing  
10 to be located on or off the development site.

11           SECTION 2. The linkage fee shall be determined by a majority vote of the city council or  
12 town meeting and shall be not less than one dollar nor greater than seven dollars per square foot.  
13 The first 25,000 square feet of construction of commercial, retail, hotel, or institutional structures

14 shall be exempt from said fee. Developers shall have the option of paying such fee in one lump  
15 sum at the issuance of a building permit or entering into a schedule of payments not to exceed  
16 twelve years.

17 SECTION 3. The local housing linkage fund shall be administered by a seven member  
18 board appointed by the mayor of a city or the town manager of a town, and shall consist of at  
19 least one representative from the local housing authority to be appointed by the executive  
20 director of said authority.

21 SECTION 4. The income eligibility standard for such units made available through this  
22 act shall be limited to those families that meet state guidelines for Section 8 housing and  
23 individuals eligible for Supplemental Security Income.