

SENATE No. 103

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Renewal Communities and Smart Growth Zoning..

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. Notwithstanding any general or special law to the contrary, in a city
2 designated by the United States Department of Housing and Urban Development as a renewal
3 community pursuant to the Community Renewal Tax Relief Act of 2000, Public Law 106-554,
4 an eligible location pursuant to chapter 40R of the General Laws may include areas with 1 or
5 more underlying zoning districts where the city has previously incorporated smart growth
6 principles, whether by the superimposing of an overlay district or otherwise in such renewal
7 communities.

8 SECTION 2. A city designated by the United States Department of Housing and Urban
9 Development as a renewal community which has a zoning ordinance or by-law that includes an
10 overlay district enacted after January 1, 2002, for the purpose of incorporating smart growth
11 principles may calculate units of new construction based on units in the underlying zoning
12 district without regard to the overlay district in order to avoid any punitive effect upon the
13 financial incentive to which the renewal community may be entitled under section 9 of chapter
14 40R of the General Laws.

15 SECTION 3. An application pursuant to chapter 40R of the General Laws to the
16 department of housing and community development by a city designated as a renewal
17 community shall provide verifying documentation of such designation.”