

**SENATE . . . . . No. 2539**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act amending the subsidized housing inventory for the Town of Hanover..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           ARTICLE 53. To see if the Town will vote to petition the General Court to enact a  
2 Special Act for the Town of Hanover in the manner described below, provided that the General  
3 Court may make clerical or editorial changes of form only to the bill, unless the Board of  
4 Selectmen approves said changes to the bill before enactment by the General Court, and to  
5 further authorize the Board of Selectmen to act on behalf of the Town relative to any inquiries  
6 and changes made by the General Court concerning the proposed Act, and to approve  
7 amendments which shall be within the scope of the general public objectives of the petition or, to  
8 see if the Town will vote to take any action relative thereto.

9           Board of Selectmen

10           AN ACT AMENDING THE SUBSIDIZED HOUSING INVENTORY

11           FOR THE TOWN OF HANOVER

12           Whereas, the requirements of Massachusetts General Laws (MGL) Chapter 40B, Sections  
13 20-23 (Low and Moderate Income Housing) are intended to encourage the creation and

14 preservation of affordable housing in the Commonwealth of Massachusetts and its individual  
15 cities and towns for persons in all ranges of income and ability, and

16           Whereas, the creation and operation of housing facilities for those with disabilities or  
17 special needs, and with unique access, assistance and affordability thresholds in a non-profit  
18 educational institution furthers said goal, and

19           Whereas, Cardinal Cushing Centers, Inc. has constructed and operated such facilities in  
20 the Town of Hanover since 2004 and such operations are certified by the Commonwealth of  
21 Massachusetts Department of Children and Families, and

22           Whereas, similarly operated group home units in the Town of Hanover operated by the  
23 Commonwealth of Massachusetts Department of Developmental Services (DDS), formerly  
24 known as the Department of Mental Retardation (DMR) qualify as eligible Low and Moderate  
25 Income Housing units for the purposes of calculating a community's Subsidized Housing  
26 Inventory (SHI) and are classified as "long term subsidized housing for individuals who are  
27 mentally ill or retarded" as reported annually to the Department of Housing and Community  
28 Development (DHCD) by the Department of Mental Health (DMH) and the Department of  
29 Developmental Services (DDS), and

30           Whereas the creation of similar special needs housing under Chapter 167 and 689 and  
31 supportive housing for persons with disabilities under HUD Section 811 are eligible subsidy  
32 programs for the purposes of determining qualifying Low and Moderate Income Housing units in  
33 a community's Subsidized Housing Inventory (SHI) according to Department of Housing and  
34 Community Development (DHCD) regulations and guidelines, and

35           Whereas a broad range of funding and subsidy programs administered by public, private  
36 and non-profit entities qualify for the purposes of establishing an eligible subsidy program when  
37 determining qualifying Low and Moderate Income Housing units in a community's Subsidized  
38 Housing Inventory (SHI) according to Department of Housing and Community Development  
39 (DHCD) regulations and guidelines,

40           Now therefore, be it enacted by the Senate and the House of Representatives in General  
41 Court assembled, and by the authority of the same as follows:

42           SECTION 1. Amendment to Subsidized Housing Inventory.

43           Notwithstanding any general or special law, state agency regulations or guidelines to the  
44 contrary, the count of Low or Moderate Income Housing units in the Subsidized Housing  
45 Inventory (SHI), as defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23  
46 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto, including,  
47 but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing)  
48 shall include for the Town of Hanover, Massachusetts any and all units in the Town which have  
49 been constructed for, or are occupied by the students of, any non-profit or educational institution,  
50 without limitation, including Cardinal Cushing Centers, Inc., and which have been constructed  
51 utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts  
52 Development Finance Agency (MassDevelopment) as such Agency is established and defined in  
53 Massachusetts General Laws (MGL) Chapter 23G.

54           Notwithstanding any general or special law to the contrary, the Town of Hanover shall  
55 receive full credit on the Subsidized Housing Inventory (SHI) as one unit of Low or Moderate  
56 Income Housing for each individual unit room within each building constructed since 2000

57 utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts  
58 Development Finance Agency (MassDevelopment). For the calendar year 2010 and each  
59 calendar year thereafter the Town of Hanover shall receive full credit on the Subsidized Housing  
60 Inventory (SHI), as one unit of Low or Moderate Income Housing each, for no less than sixty-six  
61 (66) individual units, which is the number of unit rooms constructed and available for occupancy  
62 at the Cardinal Cushing School operated by Cardinal Cushing Centers, Inc., in accordance with  
63 this Section.

64 Any additional qualifying units of Low or Moderate Income Housing established for the  
65 Subsidized Housing Inventory (SHI) of the Town of Hanover, Massachusetts pursuant to this Act  
66 shall be in addition to any units otherwise qualifying for the purposes of Massachusetts General  
67 Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any  
68 regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive  
69 Permit; Low or Moderate Income Housing)

70 SECTION 2. Relation to Existing Statutes and Regulations.

71 If any provision of this Act conflicts with any provisions of any general or special law,  
72 state agency regulations or guidelines, the provisions of this Act shall govern.

73 SECTION 3. Requirements for State Agencies.

74 It shall be the responsibility of the Department of Housing and Community Development  
75 (DHCD), as such Agency is established and defined in Massachusetts General Laws (MGL)  
76 Chapter 23B, and the Housing Appeals Committee (HAC), as such Agency is established and  
77 defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and  
78 Moderate Income Housing) and 760 CMR 56 (Comprehensive Permit; Low or Moderate Income

79 Housing) to update and maintain an accurate count of Low or Moderate Income Housing units in  
80 the Subsidized Housing Inventory (SHI) for the Town of Hanover, Massachusetts in accordance  
81 with this Act.

82 Further, it shall be the responsibility of the Department of Housing and Community  
83 Development (DHCD) and the Housing Appeals Committee (HAC) to incorporate the  
84 requirements of this Act when making any determinations or taking any actions under  
85 Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income  
86 Housing) and any regulations adopted pursuant thereto, including, but not limited to 760 CMR  
87 56 (Comprehensive Permit; Low or Moderate Income Housing), relative to the Subsidized  
88 Housing Inventory (SHI) for the Town of Hanover, Certification of Compliance with Hanover's  
89 Affordable Housing Plan (AHP) Production, and any appeals or requests for determination,  
90 including but not limited to whether any decision of the Town of Hanover Zoning Board of  
91 Appeals (ZBA) is "consistent with local needs." If the Subsidized Housing Inventory (SHI) for  
92 the Town of Hanover, as defined by Massachusetts General Laws (MGL) Chapter 40B, Sections  
93 20-23 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto,  
94 including, but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income  
95 Housing) and as amended by this Act exceeds ten percent (10%), any decision of the Town of  
96 Hanover Zoning Board of Appeals (ZBA) shall be deemed "consistent with local needs" and  
97 shall be upheld by the Department of Housing and Community Development (DHCD) and the  
98 Housing Appeals Committee (HAC) accordingly.

99 SECTION 4. Effective Date.

100 This Act shall take effect upon its passage by the General Court.