

SENATE No. 659

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regarding the method in which a city or town may meet its low or moderate income housing requirement..

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 of the General Laws, as appearing in the 2006
2 official edition, is hereby amended by adding the following after paragraph 1:-

3 “Adjunct apartment housing”, a separate housing unit, complete with its own sleeping,
4 cooking, and sanitary facilities, that is substantially contained within the structure of a single
5 family dwelling, but functions as a separate unit.

6 SECTION 2. Section 20 of Chapter 40B of the General Laws, as appearing in the 2006
7 official edition, is hereby amended in paragraph 4 by striking the sentence on lines 29 through 43
8 and inserting in place thereof the following:-

9 Requirements or regulations shall be consistent with local needs when imposed by a
10 board of zoning appeals after comprehensive hearing in a city or town where (1) any
11 combination of low or moderate income housing and adjunct apartment housing, exists which is
12 in excess of ten per cent of the housing units reported in the latest federal decennial census of the
13 city or town or on sites comprising one and one half per cent or more of the total land area zoned

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

21 SECTION 3. Section 5 of Chapter 59 of the General Laws, as appearing in the 2006
22 official edition, is hereby amended by adding the following clause:—

23 Fifty-sixth. The increased value of residential real property as a result of alterations or
24 improvements thereto, not to exceed a percentage of the taxes due as shall be determined by the
25 city or town, resulting from alterations or improvements that are made to create an adjunct
26 apartment which qualifies as low or moderate income housing pursuant to section 20 of chapter
27 40B. Any exemption granted pursuant to this clause shall terminate when the premises no longer
28 meets the requirements of said section 20 of chapter 40B. This clause shall take effect upon its
29 acceptance by any city or town and shall apply only to alterations or improvements made on or
30 after the date of such acceptance by such city or town.

31 Notwithstanding any provisions of this clause to the contrary, a city or town by vote of its
32 town meeting, town council or city council with the approval of the mayor where required by
33 law, may adopt and authorize exemptions from property taxes, in accordance with this clause, for
34 a specified term not to exceed 15 years, for that portion of any parcel of real estate which is
35 certified as an affordable adjunct apartment pursuant to section 20 of chapter 40B.