

SENATE No. 660

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act streamlining permitting for housing.

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 2 of chapter 43D of the General Laws, as amended by section 11 of
2 chapter 205 of the acts of 2006, is hereby amended by inserting after the words “Technical
3 review team” the following words:-

4 “Housing Priority Zone”, a privately or publicly owned property, a zoning district or a
5 zoning overlay district zoned and designated for the development or redevelopment of housing
6 which:

7 Exceeds the allowable unit density by a minimum of 50 percent greater than the density
8 allowed prior to designation as a priority zone, and shall in no case have a lot size greater than ½
9 acre;

10 Includes a minimum of 40% of its units as affordable housing, as defined in Section 2 of
11 Chapter 40R, to those earning 80% or less of area median income;

12 May incorporate the use of zoning methods known as cluster development, as defined in
13 Section 9 of Chapter 40A of the General Laws, or open space residential design; and

14 Is designated a priority development site by the board, in consultation with the
15 Department of Housing and Community Development.

16 SECTION 2. Chapter 43D of the General Laws, as amended by section 11 of chapter
17 2005 of the acts of 2005, is hereby amended by inserting after section 16 the following sections:-

18 Section 17. For the purposes of determining consistency with the definition of
19 “consistent with local needs” contained in Section 20 of Chapter 40b of the General Laws, a
20 housing unit developed in a housing priority zone shall be credited at the rate of 1.75 units upon
21 the issuance of a building permit.

22 Section 18. Any individual or family residing in affordable housing within a housing
23 priority zone shall report to the local administrative office responsible for housing development
24 and administration not less than once every three years to certify that the property has not been
25 sold or otherwise transferred to an individual or family who exceeds the income limits of the
26 affordable housing program. If said property is sold or otherwise transferred to an individual or
27 family who do not exceed the income limits, then the reporting responsibility shall devolve to the
28 new owner or owners of the property.

29 SECTION 3. The provisions of this Act shall expire five years following the date of its
30 passage unless otherwise terminated, modified or extended.