

SENATE No. 764

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act requiring a state zoning guide for social service agencies and municipalities..

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. The general court finds that:

2 the commonwealth has the responsibility to help municipalities implement zoning law;

3 (b) municipalities lack an uniformed guide for implementing zoning law;(c) social
4 service agencies and municipalities often are not communicating and coordinating well;(d)
5 therefore the general court wishes to require preparation of a comprehensive guide to municipal
6 zoning, for use by municipalities and social service agencies for purposes of siting.

7 SECTION 2. The secretary of the Executive Office of Health and Human Services, in
8 consultation with other executive agencies including but not limited to the department of the
9 attorney general, the executive office of public safety, the department of housing and community
10 development and the office of commonwealth development, shall develop a comprehensive
11 guide for municipal zoning under section 3 of chapter 40A of the General Laws and other state
12 law and federal law, for use by municipalities and social service agencies.

13 SECTION 3. The secretary shall consider issues related to federal and state law,
14 constitutional issues, state and federal case law, and practices of other states and commonwealths
15 in developing a comprehensive guide for siting of social service agencies, and municipalities
16 including information regarding all applicable federal and state laws and regulations and best
17 practices pertaining to the siting of facilities within which services funded by the commonwealth
18 are delivered.

19 SECTION 4. The secretary shall issue an interim report to the house and senate
20 committees on ways and means, the joint committee on children and families, the joint
21 committee on mental health and substance abuse, and the joint committee on municipalities and
22 regional government within 60 days of enactment.

23 SECTION 5. The secretary shall develop the guide required by this act within 120 days
24 after the effective date of this act.