

HOUSE No. 1249

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act encouraging inclusionary zoning.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/19/2011</i>

HOUSE No. 1249

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1249) of James M. Cantwell relative to the construction of affordable dwelling units within subdivisions. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1193 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act encouraging inclusionary 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. Section 9 of Chapter 40A of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by adding the following paragraph:-

3 “Notwithstanding anything to the contrary in this section, a town may adopt a zoning by-
4 law that requires all plans for a residential subdivision or multi-unit residential project of 10 or
5 more units to provide that up to 25 per cent of the total number of units shall be reserved for the
6 construction of dwelling units affordable to persons whose household income does not exceed
7 120 per cent of the area median income, as such income is determined by the federal Department
8 of Housing and Urban Development. In lieu of the construction of the required affordable
9 dwelling units within the project, the by-law may provide for the construction of such units off-
10 site or the payment of sufficient funds to a separate account created by the city or town for such
11 purpose. Any by-law adopted under the provisions of this paragraph shall also allow for an

12 increase in density by reducing dimensional requirements to the extent that the project proponent
13 would be permitted to construct one additional unit for every 10 units that are constructed. The
14 municipality is hereby empowered to set up said separate account to be administered by the
15 municipal treasurer. The powers set forth in this paragraph are in addition to, and do not in any
16 way derogate from, other municipal powers that allow municipalities to encourage inclusionary
17 zoning.”

18 SECTION 2. This act shall take effect upon its passage.