

**HOUSE . . . . . No. 1266**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Michael F. Kane***

*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 relative to zoning density.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael F. Kane</i>	<i>5th Hampden</i>	<i>1/20/2011</i>

**HOUSE . . . . . No. 1266**

By Mr. Kane of Holyoke, a petition (accompanied by bill, House, No. 1266) of Michael F. Kane that cities and towns be authorized to increase the density of property zoned for residential usage to provide additional affordable housing units. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1226 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to zoning density.

*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 2006  
2 Official Edition, is hereby amended by adding after the second paragraph the following new  
3 paragraph:—

4 Notwithstanding any provision of this section to the contrary, a zoning ordinance or by-  
5 law may allow, without a special permit, increases in the permissible density or intensity of  
6 residential use in a proposed development to the maximum extent stated in the ordinance or by-  
7 law, pursuant to provisions that authorize such increases for the purpose of promoting the  
8 creation of additional units of affordable housing in mixed income housing developments or  
9 mixed-use developments, or for the purpose of promoting other public purposes specifically  
10 stated in the zoning ordinance or by-law.