

**HOUSE . . . . . No. 3652**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James J. O'Day*

*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 affordable housing in the town of West Boylston.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>8/28/2013</i>

**HOUSE . . . . . No. 3652**

By Mr. O'Day of West Boylston, a petition (subject to Joint Rule 12) of James J. O'Day (by vote of the town) relative to affordable housing in the town of West Boylston. Housing. [Local Approval Received.]

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to affordable housing in the town of West Boylston.

*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 I. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of the  
2 General Laws, or of any other general or special law or state regulation to the contrary, the  
3 determination of whether the Town of West Boylston has low or moderate income housing in  
4 excess of ten per cent of the total housing units reported in the latest federal decennial census for  
5 the Town of West Boylston for purposes of section 20 of said Chapter 40B, which determination  
6 is reflected in a list known as the Subsidized Housing Inventory ("SHI") as maintained by the  
7 Massachusetts Department of Housing and Community Development or by a successor  
8 department regardless of its name, shall be calculated as follows. As of the date an approval  
9 decision is filed with the West Boylston Town Clerk and through and including the expiration  
10 date of the decision as provided by applicable statute or regulation and any extension of such  
11 decision granted by action of the Town or the General Court, the SHI shall include all of the  
12 following:

13           1. Any affordable housing unit approved under any local zoning provision under G.L.  
14           c.40A, including a so-called Local Initiative Program project, provided that the affordable  
15 unit shall be required to have a permanent deed restriction to restrict occupancy or ownership of  
16 the unit to an "Income Eligible Household" as presently defined under the Department's  
17 regulations at 760 CMR 56.02;

18           2. Any affordable housing unit in a home ownership project approved under G.L. c.40B  
19 or

20           G.L. c.40R; and

21           3. Any rental housing unit in a rental project approved under G.L. c.40B or G.L. c.40R.

22           Provided further that if any such approval decision is appealed, the unit or units at issue  
23 shall continue to be listed on the SHI unless and until the approval decision is finally overturned  
24 by a court of competent jurisdiction.

25           Section 2. This act shall apply to all housing units meeting the requirements of section 1  
26 wherein the relevant approval decision was filed with the West Boylston Town Clerk on or  
27 before January 1, 2000.

28           Section 3. This act shall take effect upon passage.