

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Steven S. Howitt and F. Jay Barrows***

*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 municipal relief with respect to temporary recognition of affordable housing approved by municipalities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Timothy R. Giblin, Selectman</i>	<i>6 Anna Way Norton, MA 02766</i>
<i>Robert W. Kimball, Jr., Selectman</i>	<i>51 Pine Street Norton, MA 02766</i>
<i>Robert S. Salvo, Sr., Selectman</i>	<i>26 Newcomb Street Norton, MA 02766</i>
<i>Mary T. Steele, Selectman</i>	<i>4 Morse Drive Norton, MA 02766</i>
<i>Bradford K. Bramwell, Selectman</i>	<i>94 N. Worcester Street Norton, MA 02766</i>

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

By Messrs. Howitt of Seekonk and Barrows of Mansfield, a petition (subject to Joint Rule 12) of Steven S. Howitt, F. Jay Barrows and others relative to the calculation of affordable housing units by municipalities. Housing.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act relative to municipal relief with respect to temporary recognition of affordable housing approved by 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. It is hereby recognized that, due to fiscal circumstances beyond the control  
2 of municipalities and developers of affordable housing, it can be difficult to build affordable  
3 housing projects even after such projects have been locally approved.

4 SECTION 2. It is hereby further recognized that there are municipalities who have  
5 approved low and moderate income housing that would provide low or moderate income housing  
6 of 10 per cent or greater of the total housing units reported in the latest federal decennial census  
7 for purposes of section 20 of chapter 40B of the General Laws; however, not all of the low and  
8 moderate income housing projects that have been approved and are still eligible to be constructed  
9 have been constructed.

10 SECTION 3. It is hereby further recognized that low and moderate income housing  
11 projects that have been approved and are still eligible to be constructed should be included in the  
12 calculation of whether a municipality has low or moderate income housing of 10 per cent or  
13 greater of the total housing units reported in the latest federal decennial census for purposes of  
14 section 20 of chapter 40B of the General Laws and, so, shall be reflected in the list known as the  
15 subsidized housing inventory (“SHI”) maintained by the department of housing and community  
16 development.

17 SECTION 4. The fourth paragraph of section 20 of chapter 40B of the General Laws, as  
18 appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 32 through 36,  
19 clause (1) and inserting in place thereof the following clause:

20 (1) low or moderate income housing exists which is in excess of 10 per cent of the  
21 housing units reported in the latest federal decennial census of the city or town or on sites  
22 comprising 1 and 1/2 per cent or more of the total land area zoned for residential, commercial or  
23 industrial use or, in the alternative, low or moderate income housing has been locally approved  
24 which is in excess of 10 per cent of the housing units reported in the latest federal decennial  
25 census of the city or town or on sites comprising 1 and 1/2 per cent or more of the total land area  
26 zoned for residential, commercial or industrial use, provided, however, such notice of approval  
27 has been filed with the city or town clerk and has not yet expired.

28 SECTION 5. This act shall be applicable to all low or moderate income housing  
29 approved under chapter 40B and no comprehensive permit as originally issued or as later  
30 modified shall be in existence or extended for more than 10 years from the date the original  
31 permit was filed with the city or town clerk's office or the date upon which the permit took final  
32 effect upon termination of litigation affirming the original permit, whichever date occurs later in  
33 time.

34 SECTION 6. This act shall expire, without any further action of the General Court 7  
35 years from the date of approval, unless sooner renewed; provided, however, that any low or  
36 moderate income housing appearing on the above-referenced SHI when this act expires shall  
37 continue to be governed by the provisions of this act until expiration of local approval.

38 SECTION 7. This act shall take effect 120 days after its passage.