

**SENATE . . . . . No. 1809**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Bruce E. Tarr*

*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 North Andover.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>

**SENATE . . . . . No. 1809**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 1809) of Bruce E. Tarr, James J. Lyons, Jr., Kathleen O'Connor Ives and Diana DiZoglio for legislation relative to affordable housing in the town of North Andover . Housing. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act relative to affordable housing in the town of North Andover.

*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. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of  
2 the General Laws, or of any other general or special law or state regulation to the contrary, the  
3 determination of whether the Town of North Andover 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 North Andover 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 North Andover 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           A. 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 unit  
15 shall be required to have a permanent deed restriction to restrict occupancy or ownership of the  
16 unit to an “Income Eligible Household” as presently defined under the Department’s regulations  
17 at 760 CMR 56.02;

18           B. Any affordable housing unit in a homeownership project approved under G.L.c.40B or  
19 G.L.c.40R;and

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

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

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

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