

HOUSE No. 1107

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

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 to expedite multifamily housing construction.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/15/2015</i>

HOUSE No. 1107

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 1107) of Kevin G. Honan relative to multifamily housing construction. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to expedite multifamily housing construction.

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, as so appearing, is hereby amended by
2 inserting after the second paragraph the following paragraph:-

3 Zoning ordinances or by-laws shall permit multifamily development by right in one or
4 more zoning districts that together cover not less than 1.5% of the developable land area in a city
5 or town and which, by virtue of its infrastructure, transportation access, existing underutilized
6 facilities, and/or location, are suitable for multifamily residential development. Zoning
7 ordinances or by-laws shall establish a housing density for by-right multifamily development in
8 such zoning districts of not less than twenty (20) dwelling units per acre. As used herein,
9 “multifamily housing” means apartment or condominium units in buildings which contain or will
10 contain more than three (3) such units.

11 SECTION 2. Section 9 of chapter 40A, as so appearing, is hereby amended by
12 striking out, in the fifth paragraph, the words “cluster developments or”.

13 SECTION 3. Section 9 of chapter 40A, as so appearing, is hereby amended by striking
14 out the sixth paragraph and inserting in place thereof the following paragraph:-

15 Notwithstanding any provision of this section to the contrary, zoning ordinances or by-
16 laws shall provide that cluster developments shall be permitted by right in residential zoning
17 districts at the density permitted in the zoning district in which the property is located upon
18 review and approval by a planning board pursuant to the applicable provisions of sections 81K to
19 81GG, inclusive, of chapter 41 and in accordance with its rules and regulations governing
20 subdivision control. Zoning ordinances and by-laws shall not require the submission of a plan
21 showing a standard subdivision complying with the otherwise applicable requirements of the
22 ordinance or by-laws as a condition precedent to the approval of a cluster development plan.

23 SECTION 4. Section 81Q of chapter 41, as so appearing, is hereby amended by inserting
24 after the second sentence the following sentence:-

25 Such rules shall not require the submission of a plan showing a standard subdivision
26 complying with the requirements of the local zoning ordinance or by-laws as a condition
27 precedent to the approval of a plan depicting a cluster development pursuant to section 9 of
28 chapter 40A.

29 SECTION 5. Section 3 of chapter 40A, as so appearing, is hereby amended by
30 inserting after the tenth paragraph the following paragraph:-

31 Zoning ordinances and by-laws shall classify “accessory dwelling unit,” as defined
32 herein, as a use permitted by right in all single-family residential zoning districts. No zoning
33 ordinance or by-law shall unreasonably regulate the location, dimensions, or design of an
34 accessory dwelling unit on a lot. As used herein, “accessory dwelling unit” is a self-contained

35 housing unit incorporated within a single-family dwelling or detached accessory structure that is
36 clearly subordinate to the single-family dwelling and complies with the use, dimensional, and
37 design requirements of the local zoning ordinance or by-law.