

**HOUSE . . . . . No. 1116**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bradley H. Jones, Jr.***

*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 and the preservation of a community's water resources.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>

**HOUSE . . . . . No. 1116**

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 1116) of Bradley H. Jones, Jr., and others relative to affordable housing and the preservation of community water resources. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1132 OF 2013-2014.]

**The Commonwealth of Massachusetts**

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

An Act relative to affordable housing and the preservation of a community's water resources.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           An Act relative to affordable housing and the preservation of a community's water  
2 resources

3           SECTION 1. Section 20 of chapter 40B, as appearing in the 2012 Official Edition, is  
4 hereby amended by striking the definition of "Consistent with local needs", and inserting in place  
5 thereof the following:--

6           "Consistent with local needs", requirements and regulations shall be considered  
7 consistent with local needs if they are reasonable in view of the regional need for low and  
8 moderate income housing considered with the number of low income persons in the city or town  
9 affected and the need to protect the health or safety of the occupants of the proposed housing or

10 of the residents of the city or town, to promote better site and building design in relation to the  
11 surroundings, to preserve the municipal water supply or the region's natural water resources, or  
12 to preserve open spaces, and if such requirements and regulations are applied as equally as  
13 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be  
14 consistent with local needs when imposed by a board of zoning appeals after a comprehensive  
15 hearing in a city or town where (1) low or moderate income housing exists which is in excess of  
16 ten percent of the housing units reported in the latest federal decennial census of the city or town  
17 or on sites comprising one and one half percent or more of the total land area zoned for  
18 residential, commercial or industrial use or (2) the application before the board would result in  
19 the commencement of construction of such housing on sites comprising more than three tenths of  
20 one percent of such land area or ten acres, whichever is larger, in any one calendar year;  
21 provided, however, that land area owned by the United States, the commonwealth or any  
22 political subdivision thereof, or any public authority shall be excluded from the total land area  
23 referred to above when making such determination of consistency with local needs.