SENATE DOCKET, NO. 1687 FILED ON: 1/16/2015

SENATE . . . . . No. 1514

The Commonwealth of Massachusetts

PRESENTED BY:

***Jason M. Lewis*, (BY REQUEST)**

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 housing affordability and open space local needs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven Keleti	*18 Clarendon Street Malden, MA 01248-7614*
Frank I. Smizik	*15th Norfolk*

SENATE DOCKET, NO. 1687 FILED ON: 1/16/2015

SENATE . . . . . No. 1514

By Mr. Lewis (by request), a petition (accompanied by bill, Senate, No. 1514) of Steven Keleti and Frank I. Smizik for legislation relative to housing affordability and open space local needs. Revenue.

The Commonwealth of Massachusetts

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

An Act relative to housing affordability and open space local needs.

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

SECTION 1. Section 3(B)(a)(9) of Chapter 62 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out the text and inserting in place thereof the following:-

(9) In the case of an individual who pays rent for his principal place of residence and such residence is located in the commonwealth, an amount equal to such rent; provided, however, that such deduction shall not exceed $3,000 for a single person, for a person that qualifies as a head of household under section two (b) of the Code, or for spouses, and that if the total income is greater than half the median total income reported for the previous year and less than that median total income, then the maximum deduction is reduced by the ratio of the total income to that median total income.

11 SECTION 2. Section 20 of Chapter 40B of the General Laws, as appearing, is hereby
12 amended by striking out the definition of "Consistent with local needs" and inserting in place
13 thereof the following:-

14 "Consistent with local needs", requirements and regulations shall be considered
15 consistent with local needs if they are reasonable in view of the regional need for low and
16 moderate income housing considered with the number of low income persons in the city or town
17 affected and the need to protect the health or safety of the occupants of the proposed housing or
18 of the residents of the city or town, to promote better site and building design in relation to the
19 surroundings, or to preserve open spaces, and if such requirements and regulations are applied as
20 equally as possible to both subsidized and unsubsidized housing. Requirements or regulations
21 shall be consistent with local needs when imposed by a board of zoning appeals after
22 comprehensive hearing in a city or town where (1) low or moderate income housing exists which
23 is in excess of ten per cent of the housing units reported in the latest federal decennial census of
24 the city or town or on sites comprising one and one half per cent or more of the total land area
25 zoned for residential, commercial or industrial use or (2) the application before the board would
26 result in the construction of such housing on sites comprising more than ten acres; except in any
27 city or town where Section 3(e)(1) of Chapter 44B is in effect, where (1) low or moderate
28 income housing exists which is in excess of ten per cent of the housing units reported in the latest
29 federal decennial census of the city or town or on sites comprising one per cent or more of the
30 total land area zoned for residential, commercial or industrial use or (2) the application before the
31 board would result in the construction of such housing on sites comprising more than five acres.

32 SECTION 3. Sections 1 and 2 shall take effect January 1, 2016.