

HOUSE No. 127

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan and Linda Dorcena Forry

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 promoting accessory dwelling units.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/18/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>1/20/2017</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>1/31/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/2/2017</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>	<i>1/19/2017</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/2/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/2/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/24/2017</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/2/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/2/2017</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>1/30/2017</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/2/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/3/2017</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>	<i>2/2/2017</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2017</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>2/2/2017</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>	<i>2/3/2017</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>2/2/2017</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/2/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>2/2/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>1/29/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/1/2017</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/18/2017</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/18/2017</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>	<i>2/3/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>	<i>1/18/2017</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/18/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/31/2017</i>
<i>Bud Williams</i>	<i>11th Hampden</i>	<i>2/2/2017</i>

HOUSE No. 127

By Representative Honan of Boston and Senator Forry, a joint petition (accompanied by bill, House, No. 127) of Kevin G. Honan and others relative to the regulation of location, dimensions or design of accessory dwelling units. Community Development and Small Businesses.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting accessory dwelling units.

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 2 of chapter 40R of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “meanings;” in line 2, the
3 following definitions:-

4 “Accessory dwelling unit”, a self-contained housing unit incorporated within a single-
5 family dwelling or detached accessory structure that is clearly subordinate to the single-family
6 dwelling and complies with the use, dimensional, and design requirements of the local zoning
7 ordinance or by-law.

8 “Accessory dwelling zoning district”, a zoning district adopted by a city or town pursuant
9 to this chapter that is superimposed over 1 or more zoning districts, in which a developer may
10 elect to (i) develop a project in accordance with requirements of the accessory dwelling zoning
11 district ordinance or bylaw, or (ii) develop a project in accordance with requirements of the
12 underlying zoning district.

13 SECTION 2. Said chapter 40R is hereby further amended by adding the following
14 section:-

15 Section 15. In its zoning ordinance or by-law, a city or town may adopt an accessory
16 dwelling zoning district. A proposed accessory dwelling zoning district shall permit the use of
17 accessory dwelling units as of right.

18 No zoning ordinance or by-law shall unreasonably regulate the location, dimensions, or
19 design of an accessory dwelling unit on a lot.

20 An accessory dwelling zoning district ordinance or by-law, or any amendment to or
21 repeal of such ordinance or by-law, shall be adopted in accordance with section 5 of chapter
22 40A; provided however, that an accessory dwelling zoning district ordinance or bylaw shall be
23 adopted, amended or repealed by a simple majority vote of all the members of the town council,
24 or of the city council where there is a commission form of government or a single branch, or of
25 each branch where there are 2 branches, or by a simple majority vote of a town meeting.

26 A city or town with an approved accessory dwelling zoning district shall not be eligible
27 for a zoning incentive payment or a density bonus payment pursuant to section 9, unless the
28 district meets the requirements of an approved smart growth zoning district pursuant to section 6
29 of this chapter.”.