

HOUSE No. 696

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 low income housing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------|---------------------|------------------|
| <i>John H. Rogers</i> | <i>12th Norfolk</i> | <i>1/12/2017</i> |

HOUSE No. 696

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 696) of John H. Rogers relative to low and moderate income housing. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1131 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to low income housing.

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

1 Chapter 40B of the General Laws is hereby amended by striking out section 20, as
2 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

3 Section 20. The following words, wherever used in this section and in sections twenty-
4 one to twenty-three, inclusive, shall, unless a different meaning clearly appears from the context,
5 have the following meanings:—

6 “Low or moderate income housing”, any housing subsidized by the federal or state
7 government under any program.

8 “Uneconomic”, any condition brought about by any single factor or combination of
9 factors to the extent that it makes it impossible for a public agency or nonprofit organization to
10 proceed in building or operating low or moderate income housing without financial loss, or for a

11 limited dividend organization to proceed and still realize a reasonable return in building or
12 operating such housing within the limitations set by the subsidizing agency of government on the
13 size or character of the development or on the amount or nature of the subsidy or on the tenants,
14 rentals and income permissible, and without substantially changing the rent levels and units sizes
15 proposed by the public, nonprofit or limited dividend organizations.

16 “Consistent with local needs”, requirements and regulations shall be considered
17 consistent with local needs if they are reasonable in view of the regional need for low and
18 moderate income housing considered with the number of low income persons in the city or town
19 affected and the need to protect the health or safety of the occupants of the proposed housing or
20 of the residents of the city or town, to promote better site and building design in relation to the
21 surroundings, or to preserve open spaces, and if such requirements and regulations are applied as
22 equally as possible to both subsidized and unsubsidized housing. Requirements or regulations
23 shall be consistent with local needs when imposed by a board of zoning appeals after
24 comprehensive hearing in a city or town where (1) low or moderate income housing exists which
25 is in excess of ten per cent of the housing units reported in the latest federal decennial census of
26 the city or town or on sites comprising one and one half per cent or more of the total land area
27 zoned for residential, commercial or industrial use or (2) the application before the board would
28 result in the commencement of construction of such housing on sites comprising more than three
29 tenths of one per cent of such land area or ten acres, whichever is larger, in any one calendar
30 year; provided, however, that land area owned by the United States, the commonwealth or any
31 political subdivision thereof, or any public authority shall be excluded from the total land area
32 referred to above when making such determination of consistency with local needs.

33 “Local Board”, any town or city board of survey, board of health, board of subdivision
34 control appeals, planning board, building inspector or the officer or board having supervision of
35 the construction of buildings or the power of enforcing municipal building laws, or city council
36 or board of selectmen.