HOUSE DOCKET, NO. 1723 FILED ON: 1/17/2019

HOUSE . . . . . No. 1263

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 promote affordable housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael S. Day	*31st Middlesex*	*1/17/2019*
David Allen Robertson	*19th Middlesex*	*1/24/2019*
Michael O. Moore	*Second Worcester*	*1/30/2019*

HOUSE DOCKET, NO. 1723 FILED ON: 1/17/2019

HOUSE . . . . . No. 1263

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 1263) of Michael S. Day, David Allen Robertson and Michael O. Moore relative to comprehensive housing needs assessment and the promotion of affordable housing. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *658* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to promote affordable housing.

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 20 of Chapter 40B of the Massachusetts General Laws is hereby amended by adding the following language at the end of the definition of "consistent with local needs;"

Requirements and regulations shall not be consistent with local needs when a Housing Production Plan is certified by the Department of Housing and Community Development.

SECTION 2: Section 20 of Chapter 40B of the Massachusetts General Laws is hereby amended by adding the following language;

"Housing Production Plan," shall contain, at a minimum, the following elements covering a time period of five years: comprehensive housing needs assessment; affordable housing goals; and implementation strategies.

SECTION 3: Chapter 40B of the Massachusetts General Laws is hereby amended by adding the following as Section 21(a);

Section 21(a):

1. Comprehensive Housing Needs Assessment. The Housing Production Plan must establish a strategic plan for municipal action with regards to housing, based upon a comprehensive housing needs assessment that examines: The most recent available census data of the municipality's demographics and housing stock, together with a projection of future population and housing needs, taking into account regional growth factors, that covers the entire time period of the plan; development constraints and limitations on its current and future needs, and the municipality's plans to mitigate those constraints; and the capacity of the municipality's infrastructure to accommodate the current population and anticipated future growth, including plans for enlargement or expansion of existing infrastructure systems to ensure that both current and future needs are met.

2. Affordable housing goals. The Housing Production Plan shall address the matters set out in the Department of Housing and Community Development's guidelines, including: a mix of types of housing, consistent with local and regional needs and feasible within the housing market in which they will be situated, including rental, homeownership, and other occupancy arrangements, if any, for families, individuals, persons with special needs, and the elderly; a numerical goal for annual housing production, pursuant to which there is an increase in the

municipality's number of Subsidized Housing Inventory Eligible Housing units by at least 0.50% of its total units (as determined by the Department of Housing and Community Development) during every calendar year included in the Housing Production Plan, until the overall percentage exceeds the Statutory Minimum set forth in Section 20 of this Chapter.

3. Implementation Strategies. The Housing Production Plan shall address the matters set out in Section 20 of this Chapter, including an explanation of the specific strategies by which the municipality will achieve its housing production goal, and a schedule for implementation of the goals and strategies for production of units, including all of the following strategies, to the extent applicable: the identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating Subsidized Housing Inventory Eligible Housing developments to meet its housing production goal; the identification of specific sites for which the municipality will encourage the filing of Comprehensive Permit applications; characteristics of proposed residential or mixed-use developments that would be preferred by the municipality (examples might include cluster developments, adaptive re-use, transit-oriented housing, mixed-use development, inclusionary housing, etc.); municipally owned parcels for which the municipality commits to issue requests for proposals to develop Subsidized Housing Inventory Eligible Housing; and /or participation in regional collaborations addressing housing development.

4. Review and approval of Housing Production Plans. A Housing Production Plan shall be adopted by the municipality's planning board and its select board or city council, following which the Chief Executive Officer may submit the Housing Production Plan to the Department of Housing and Community Development for its approval. The Department of Housing and Community Development shall conduct an initial 30-day completeness review, and

it will notify the municipality of any deficiency and offer an opportunity to remedy the deficiency. Within 90 days after the Department of Housing and Community Development's finding that the Housing Production Plan is complete, the Department of Housing and Community Development shall approve the Housing Production Plan if it meets the requirements specified herein; otherwise, it shall disapprove the Housing Production Plan. The Department of Housing and Community Development shall notify the municipality of its decision to either approve or disapprove a Housing Production Plan in writing. If the Department of Housing and Community Development disapproves a Housing Production Plan, the notification shall include a statement of reasons for the disapproval. If the Department of Housing and Community Development fails to mail notice of approval or disapproval of a Housing Production Plan within 90 days after its receipt, it shall be deemed to be approved. A municipality that originally submitted a Housing Production Plan that had been disapproved may submit a new or revised Housing Production Plan to the Department of Housing and Community Development at any time.

a. A municipality may periodically amend its Housing Production Plan if the Department of Housing and Community Development approves the amendment upon the finding that the amended Housing Production Plan meets the requirements of this Chapter. The Department of Housing and Community Development shall have the discretion to require the full 90-day review process for a major amendment to a Housing Production Plan. A Housing Production Plan shall be updated and renewed within five years of the date of its approval by the Department of Housing and Community Development, through the full 90-day review process set forth above, or as the Department of Housing and Community Development may otherwise

require. The Department of Housing and Community Development may, at its sole discretion, elect to treat a major amendment as a renewed Housing Production Plan.

5. Certification of municipal compliance. A municipality may request that the Department of Housing and Community Development certify its compliance with an Housing Production Plan if it has increased its number of Subsidized Housing Inventory Eligible Housing units in an amount equal to or greater than its 0.50% production goal for that calendar year. Subsidized Housing Inventory Eligible Housing units shall be counted for the purpose of certification in accordance with the provisions for counting units under the Subsidized Housing Inventory set forth in this Chapter and Department of Housing and Community Development regulations. Requests for certification may be submitted at any time, and the Department of Housing and Community Development shall determine whether a municipality is in compliance within 30 days of receipt of the municipality's request. If the Department of Housing and Community Development determines the municipality is in compliance with its Housing Production Plan, the certification shall be deemed effective on the date upon which the municipality achieved its numerical target for the calendar year in question, in accordance with the rules for counting units on the Subsidized Housing Inventory set forth in this Chapter and Department of Housing and Community Development regulations.

a. A certification shall be in effect for a period of two years from its effective date. If the Department of Housing and Community Development finds that the municipality has increased its number of Subsidized Housing Inventory Eligible Housing units in a calendar year by at least 1.0% of its total housing units, the certification shall be in effect for three years from its effective date.