

**HOUSE . . . . . No. 1251**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Christine P. Barber***

*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 smart growth multifamily housing production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>1/17/2019</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/1/2019</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>2/1/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/31/2019</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/31/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/29/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/30/2019</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/29/2019</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/29/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/31/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/31/2019</i>

*Elizabeth A. Malia*  
*David M. Rogers*

*11th Suffolk*  
*24th Middlesex*

*2/1/2019*  
*1/31/2019*

**HOUSE . . . . . No. 1251**

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 1251) of Christine P. Barber and others relative to smart growth multifamily housing production. Housing.

**The Commonwealth of Massachusetts**

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

An Act relative to smart growth multifamily housing production.

*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 1A of chapter 40A of the General Laws, as so appearing, is hereby  
2 amended by inserting after the introductory paragraph the following definitions:-

3 “Department”, the department of housing and community development.

4 “Gross density”, a units-per-acre density measurement that includes in the calculation  
5 land occupied by public rights-of-way, recreational, civic, commercial and other non-residential  
6 uses.

7 “MBTA community,” A city or town that is enumerated in one of the following: (i) “51  
8 cities and towns”, as defined in section 1 of chapter 161A of the General Laws; (ii) “Fourteen  
9 cities and towns”, as defined in section 1 of chapter 161A of the General Laws; or (iii) “Other  
10 served communities”, as defined in section 1 of chapter 161A of the General Laws; and such  
11 other municipalities as may be added in accordance with section 6 of chapter 161A of the  
12 General laws or in accordance with any special act to the area constituting the authority.

13 SECTION 2. Said chapter 40A, as so appearing, is hereby further amended by inserting  
14 after section 3 the following new section: -

15 Section 3A.

16 (a) Zoning ordinances and by-laws of a city or town that is an MBTA community, as  
17 defined in this chapter, shall provide at least one district of reasonable size in which multi-family  
18 housing is a permitted use as of right. For the purposes of this paragraph, a “district of reasonable  
19 size” shall include: (i) multi-family housing without age restrictions which is suitable for  
20 families with children; (ii) have a minimum gross density of 15 units per acre, subject to any  
21 further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental  
22 code, established by section 13 of chapter 21A; and (iii) be in a location as described in  
23 subsection (b) of this section.

24 If a city or town that is an MBTA community fails to comply with this section, that city  
25 or town shall be ineligible for funds from the so-called Housing Choice Initiative as described by  
26 the governor in a message to the general court dated December 11, 2017, and the Local Capital  
27 Projects Fund under Section 2EEEE of Chapter 29 of the General Laws. If a city or town  
28 receives funds from the Housing Choice Initiative or the Local Capital Projects Fund and fails to  
29 comply with this section within three years, all funds to the city or town shall be repaid to the  
30 general fund.

31 (b) Districts shall be in the following locations:

32 (i) located within .5 miles of a commuter rail station, subway station, ferry terminal, or  
33 bus station.

34 (ii) located within .25 miles of a stop along a local bus route, key bus route, commuter  
35 bus route, rapid transit route, commuter rail route, or boat route, as defined in the Massachusetts  
36 Bay Transportation Authority Service Delivery Policy as approved by the MBTA Fiscal and  
37 Management Control Board on January 23, 2017, and as it may be updated and approved from  
38 time to time.

39 (c) A city or town may satisfy the requirement of subsection (a) of this section by  
40 obtaining a determination from the department, acting directly or through a regional planning  
41 agency as its designee, that the multi-family provisions of its zoning ordinance or bylaw are  
42 consistent with the department's guidelines, or no locations as described in subsection (b) exist.  
43 If a city or town obtains a determination from the department under this section, the city or town  
44 may use the determination as verification of compliance with subsection (a) in order to establish  
45 eligibility as a so-called housing choice community to receive funds from the Housing Choice  
46 Initiative or the Local Capital Projects Fund under Section 2E E E E of Chapter 29 of the general  
47 laws.

48 (d) The department, in consultation with the Massachusetts Bay Transit Authority and the  
49 Massachusetts Department of Transportation, shall promulgate guidelines which shall be used to  
50 determine if a city or town has satisfied the requirements established in this section.