

HOUSE No. 1413

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan

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>1/28/2021</i>

HOUSE No. 1413

By Mr. Honan of Boston, a petition (accompanied by bill, House, No. 1413) of Kevin G. Honan relative to the regulation of location, dimensions or design of accessory dwelling units. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1282 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

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 2018
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.”.