

**HOUSE . . . . . No. 5009**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Steven C. Owens and John J. Lawn, Jr.*

*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 authorizing the city of Watertown to adopt an affordable housing linkage fee.

PETITION OF:

| NAME:                          | DISTRICT/ADDRESS:                   | DATE ADDED:      |
|--------------------------------|-------------------------------------|------------------|
| <i>Steven C. Owens</i>         | <i>29th Middlesex</i>               | <i>6/30/2022</i> |
| <i>John J. Lawn, Jr.</i>       | <i>10th Middlesex</i>               | <i>6/30/2022</i> |
| <i>William N. Brownsberger</i> | <i>Second Suffolk and Middlesex</i> | <i>7/1/2022</i>  |

**HOUSE . . . . . No. 5009**

By Messrs. Owens of Watertown and Lawn of Watertown, a petition (accompanied by bill, House, No. 5009) of Steven C. Owens, John J. Lawn, Jr. and William N. Brownsberger (with the approval of the city council) that the city known as the town of Watertown be authorized to adopt an affordable housing linkage fee for non-residential development. Housing. [Local Approval Received.]

**The Commonwealth of Massachusetts**

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

An Act authorizing the city of Watertown to adopt an affordable housing linkage fee.

*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. The general court finds that:

2 (a) the city of Watertown is undergoing a period of substantial growth in large-scale  
3 commercial development, and this growth is attracting an increasing number of workers and  
4 residents to the city;

5 (b) this growth is further increasing the demand for affordable housing for low, moderate  
6 and middle income households;

7 (c) the city, recognizing the need for affordable housing, enacted an inclusionary zoning  
8 ordinance, adopted the Community Preservation Act, and recently authorized the formation of a  
9 municipal affordable housing trust;

10 (d) even with use of these important tools, more resources are needed to mitigate the  
11 increased affordable housing demand caused by new large-scale commercial development;

12 (e) the city of Watertown has, through an outside economic study, documented the nexus  
13 between commercial development and affordable housing demand, projected the cost of meeting  
14 this additional demand, and analyzed linkage fees that would be proportionate to the impact of  
15 such development; and

16 (f) the purpose of this act is to assist the city in meeting the increased demands with  
17 respect to administration and planning, and ensure that commercial developers are assessed a fair  
18 share of the impacts of such future development, by authorizing fees that will be dedicated to  
19 affordable housing production.

## 20 SECTION 2.

21 (a) The city of Watertown may, by ordinance, require the payment of an affordable  
22 housing linkage fee for any non-residential development, including the commercial portion of a  
23 mixed-use project and excluding any development for governmental uses, that (1) requires  
24 zoning relief, including without limitation, a special permit, special permit with site plan review,  
25 or site plan approval; and (2) contains a single use or combination of uses exceeding a square  
26 foot threshold to be determined from time to time by the Watertown city council. For purposes of  
27 this act, development shall include the construction, enlarging, expansion, substantial  
28 rehabilitation, or change of use of non-residential property.

29 (b) The ordinance shall specify the dollar amount of the linkage fee, which initially shall  
30 not exceed \$18 per square foot and may be adjusted over time based upon changes in the  
31 Consumer Price Index-All Urban Consumers (CPI-U) compiled by U.S. Bureau of Labor

32 Statistics. The ordinance shall specify an initial square foot threshold of 30,000 square feet. The  
33 level of any linkage fee and the square foot threshold shall be reviewed at least every 5 years and  
34 reset as required based upon recommendation of the city manager and approval of the city  
35 council.

36 (c) The city may create a distinct and separate revolving fund account into which  
37 affordable housing linkage fees shall be paid, and no such fee shall be paid to the city's general  
38 treasury or used as general revenues pursuant to section 53 of chapter 44 of the General Laws.  
39 The funds in this revolving fund account shall be administered and expended by the trustees of a  
40 municipal affordable housing trust fund established by the city council pursuant to section 55C  
41 of chapter 44 of the General Laws.

42 SECTION 3. This act shall take effect upon its passage