

**HOUSE . . . . . No. 4314**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michelle L. Ciccolo*

*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 a development surcharge for community housing in the town of Lexington.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/10/2021</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>2/26/2021</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/26/2021</i>

**HOUSE . . . . . No. 4314**

---

---

By Ms. Ciccolo of Lexington, a petition (subject to Joint Rule 7B) of Michelle L. Ciccolo, Cindy F. Friedman and Michael J. Barrett (by vote of the town) relative to a community housing surcharge in the town of Lexington. Municipalities and Regional Government.

---

---

**The Commonwealth of Massachusetts**

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

An Act authorizing a development surcharge for community housing in the town of Lexington.

*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: In order to mitigate the loss of moderate-income housing by the demand for  
2 buildable parcels of land, a residential linkage fee, hereafter referred to as "the community  
3 housing surcharge" or "the surcharge," shall be added by the Town of Lexington to all new  
4 single and two-family residential construction building permits issued by said town on parcels  
5 where an existing single- or two-family dwelling has been demolished to create a single  
6 buildable lot or multiple buildable lots.

7           SECTION 2: The Select Board of the Town of Lexington shall determine the amount of  
8 the community housing surcharge, which shall be applied on a dollars-per-square-foot basis on  
9 the certified total gross floor area of the structure or structures permitted by an applicable  
10 building permit. The surcharge shall apply only to single-family structures larger than 2,100  
11 square feet gross floor area and to two-family structures larger than 4,200 square feet gross floor

12 area. The Select Board shall adjust the rate of the community housing surcharge for inflation  
13 annually.

14 SECTION 3: The Town Manager of the Town of Lexington or their designee shall  
15 prepare a study every five years to determine the suitability, effect, and amount of the surcharge,  
16 and recommend to the Select Board any possible changes necessary to address changing demand  
17 for community housing. The Town Manager or their designee shall also prepare and issue an  
18 annual report that identifies surcharge receipts; quantifies the attributes of community housing  
19 projects funded by the community housing surcharge and evaluates the impact of said housing  
20 projects.

21 SECTION 4: The Select Board of the Town of Lexington may adopt additional  
22 requirements, exemptions, and regulations to implement or enforce said community housing  
23 surcharge, consistent with this act.

24 SECTION 5. The building commissioner of the Town of Lexington shall not issue a  
25 certificate of occupancy for a building subject to this act before the community housing  
26 surcharge required by this act is paid; provided that an applicant for a building permit for a  
27 building in which said applicant intends to reside may opt to have the amount of said surcharge  
28 added to the property taxes due on said property in lieu of paying the surcharge in advance. If the  
29 applicant opts to have the surcharge added to the property taxes in such manner, the Town of  
30 Lexington Motion Special Town Meeting 2020-2 2 applicant shall not be required to pay said  
31 surcharge until the property is sold to another person; provided further that no interest shall  
32 accrue on the amount of the surcharge, and that the amount of the surcharge charge shall be  
33 abated by 20% per year from the date of the certificate of occupancy such that the amount of the

34 surcharge will be \$0 as of the date that is five years from the date the certificate of occupancy is  
35 issued.

36 SECTION 6: All surcharges received pursuant to this act shall be deposited into the  
37 Town of Lexington Affordable Housing Capital Stabilization Fund.

38 SECTION 7: For the purposes of this act, "community housing" shall mean as defined  
39 under section 2 of chapter 44B of the General Laws.

40 SECTION 8: This act shall take effect upon its passage.