

**SENATE . . . . . No. 871**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Brendan P. Crighton***

*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 housing production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/29/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/8/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>8/4/2021</i>

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By Mr. Crighton, a petition (accompanied by bill, Senate, No. 871) of Brendan P. Crighton, Jack Patrick Lewis, Joanne M. Comerford, James B. Eldridge and others for legislation relative to housing production. Housing.

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**The Commonwealth of Massachusetts**

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

An Act relative to 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 5 of Chapter 40A of the General Laws, as so appearing, is amended  
2 by inserting in paragraph 5 the following after "in accordance with section 3 of chapter 40R.":-

3 (5) an inclusionary zoning ordinance or bylaw.

4 SECTION 2. Chapter 23A of the General Laws, as so appearing, is hereby amended by  
5 adding the following section:-

6 Section 68. In order to meet the housing needs of the Commonwealth, there is hereby  
7 established a statewide goal of producing 427,000 new units of housing in Massachusetts by  
8 2040. The housing production goal shall also include a goal of having 85,400 units of housing  
9 created by 2040 that are affordable to households earning less than 80% of the Area Median  
10 Income, with at least 8,500 of these affordable units for households earning less than 30 percent  
11 of the Area Median Income.

12           The secretary of housing and economic development shall report annually to the clerks of  
13 the house of representatives and the senate, who shall forward the report to the house of  
14 representatives and the senate, the chairs of the joint committee on housing, and the chairs of the  
15 senate and house committee on ways and means, on progress made towards meeting these  
16 housing production goals. The report shall include a breakdown of market-rate units created;  
17 units created that are accessible or adaptable for persons with disabilities; units created for  
18 persons over the age of 55; and units created by deed restricted affordable housing available to  
19 households earning less than 80% Area Median Income, less than 60% Area Median Income,  
20 and less than 30% Area Median Income. The secretary of housing and economic development  
21 shall also report annually on the number of residential properties purchased by foreign buyers in  
22 Massachusetts. As part of the report, the secretary of housing and economic development shall  
23 also include information on short term rentals collected as required by Chapter 337 of the Acts of  
24 2018.

25           SECTION 3. Chapter 40A, as so appearing, is hereby amended by inserting the following  
26 section:-

27           Section 18. (a) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as  
28 of right and with no minimum parking requirements for dwelling units, mixed-use development  
29 or multifamily housing with a minimum gross density of 15 units per acre, subject to any further  
30 limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code  
31 established pursuant to section 13 of chapter 21A, and be located not more than 0.5 miles from a  
32 commuter rail station, subway station, ferry terminal or bus station, if applicable.

33 (b) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as of right and  
34 with no minimum parking requirements for dwelling units, multifamily housing with a minimum  
35 gross density of 15 units per acre, subject to any further limitations imposed by section 40 of  
36 chapter 131 and title 5 of the state environmental code established pursuant to section 13 of  
37 chapter 21A, and be located not more than 0.25 miles from an eligible location.

38 (c) Any development permitted pursuant to subsections (a) or (b) which includes ten or  
39 more residential units shall set aside a minimum of fifteen percent of the residential units to  
40 households earning at or below 80% of the Area Median Income or a minimum of ten percent of  
41 the residential units to households earning at or below 50% of the Area Median Income as  
42 determined by the U.S. Department of Housing and Urban Development.

43 (f) If a municipality fails to adopt new regulations or amend existing regulations to  
44 comply with the provisions of this section by January 1, 2025, any noncompliant existing  
45 regulation shall become null and void and such municipality shall approve or deny applications  
46 in accordance with the requirements for regulations set forth in the provisions of this section  
47 until such municipality adopts or amends a regulation in compliance with this section.

48 (g) A municipality shall not use or impose standards to discourage through unreasonable  
49 costs or delays the development of housing described in this section.

50 SECTION 4. Section 3 of chapter 40A of the General Laws, as so appearing, is hereby  
51 amended by inserting after the last paragraph the following 3 paragraphs:-

52 No zoning ordinance or by-law shall prohibit or require a special permit for the use of  
53 land or structures for an accessory dwelling unit, or the rental thereof, in a single-family  
54 residential zoning district on a lot with 5,000 square feet or more or on a lot of sufficient area to

55 meet the requirements of title 5 of the state environmental code established by section 13 of  
56 chapter 21A.

57 The use of land or structures for an accessory dwelling unit may be subject to reasonable  
58 regulations concerning dimensional setbacks and the bulk and height of structures. Not more  
59 than 1 additional parking space shall be required for an accessory dwelling unit.

60 Nothing in this paragraph shall authorize an accessory dwelling unit to violate the  
61 building, fire, health or sanitary codes, historic or wetlands laws, or ordinances or by-laws.

62 SECTION 5. The secretary of housing and economic development, secretary of energy  
63 and environmental affairs, the secretary of transportation, and the executive director of the  
64 Massachusetts Development Finance Agency shall jointly submit a report to the joint committee  
65 on housing identifying greyfields sites across the commonwealth, options for redevelopment or  
66 reuse that may include housing, public use or facilities, mixed use development, or natural  
67 restoration and open space, and identify programs within the appropriate state and quasi-public  
68 agencies that can be used to support communities in repurposing underutilized land.

69 For the purposes of this act, the term greyfields may include, but is not limited to, land  
70 with development that is outdated, underutilized, failing, or vacant, including commercial,  
71 residential, and industrial properties. This term may also include land that is owned by the  
72 commonwealth, its agencies, or its political subdivisions.

73 SECTION 6. Section 34 of Chapter 7C of the General Laws, as so appearing, are hereby  
74 amended by inserting the following paragraph:-

75 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to  
76 chapter 7C, the commissioner of capital asset management and maintenance in coordination with  
77 the secretary of the executive office of housing and economic development shall determine  
78 whether such real property shall be made available for low or moderate income housing pursuant  
79 to this chapter. In making such determination the commissioner and the secretary shall take into  
80 account the following factors:

81 (i) existing zoning that limits the siting of low or moderate income housing in the city or  
82 town in which the publicly owned real property is located;

83 (ii) financial or other deterrents to the production of low or moderate income housing in  
84 the city or town in which the real property is located; and

85 (iii) ensuring that real property for disposition under this chapter is fairly made available  
86 to all regions of the commonwealth, including gateway municipalities, rural areas and suburban  
87 areas.

88 Upon making the determination that publicly owned real property shall be made to  
89 available for disposition under this chapter, the commissioner and the secretary shall,  
90 notwithstanding chapter 7C or any other law to the contrary, declare the property available for  
91 development of low or moderate income housing in accordance with this chapter.