SENATE DOCKET, NO. 33 FILED ON: 1/8/2021

SENATE . . . . . No. 882

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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 affordable housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Diana DiZoglio	*First Essex*

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SENATE . . . . . No. 882

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 882) of Diana DiZoglio for legislation relative to affordable housing. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *796* OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to affordable housing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 20 of Chapter 40B of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in line 2, the words “twenty-one to twenty-three” and inserting in place thereof the following words:- 21 to 23B.

SECTION 2. Section 21 of said Chapter 40B, as so appearing, is hereby amended by inserting after the word “approval” , in lines 28 and 29, the following words:- ; provided however, that if the decision is not favorable, prior to issuing the notice of the decision, the board of appeals may issue a notice of proposed smart growth zoning district adoption. If the city or town submits an application to the department of housing and community development pursuant to Chapter 40R within 180 days of the notice of proposed smart growth zoning district adoption, or was in the process of adopting a smart growth zoning district pursuant to said Chapter 40R at

the time the notice of proposed smart growth zoning district adoption was issued, no appeal to the housing appeals committee in the department of housing and community development shall be made. If a smart growth zoning district is adopted pursuant to said Chapter 40R, the board of appeals may propose an alternate location for the housing within the smart growth zoning district within 180 days of the adoption of the district, and if the alternate location is accepted by the applicant, the board shall issue a comprehensive permit or approval. If the alternate location is rejected by the applicant, the board of appeals shall issue the notice of the decision and an appeal may be made pursuant to section 22.

SECTION 3. Said Chapter 40B is hereby further amended by inserting after section 23 the following 2 sections:-

Section 23A. Units which satisfy the requirements for inclusion on the subsidized housing index maintained by the department of housing and community development, shall be included on the subsidized housing index upon the date the decision of approval is filed with the city or town clerk, until such time as the unit no longer satisfies the requirements for inclusion on the subsidized housing index or the approval, including any extension of such decision granted by action of the city or town, expires; provided, that the units shall remain on the subsidized housing index during the pendency of an appeal to the court, as provided in sections 21 to 23, inclusive.

Section 23B. The department of housing and community development shall develop a program to educate cities and towns on this chapter and Chapter 40R. The program shall provide active outreach to cities and towns who have not adopted a smart growth zoning district pursuant to said Chapter 40R, and shall provide education on the benefits and process of the adoption of a

smart growth zoning district, including, but not limited the impact on housing development pursuant to this chapter.