

**SENATE . . . . . No. 870**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***James B. Eldridge***

*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 to improve the housing development incentive program.**

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                        |                  |
|----------------------------|--|------------------|
| <i>James B. Eldridge</i>   | <i>Middlesex and Worcester</i>           |                  |
| <i>Sal N. DiDomenico</i>   | <i>Middlesex and Suffolk</i>             |                  |
| <i>Patricia D. Jehlen</i>  | <i>Second Middlesex</i>                  | <i>1/30/2023</i> |
| <i>Lydia Edwards</i>       | <i>Third Suffolk</i>                     | <i>2/6/2023</i>  |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/16/2023</i> |
| <i>Liz Miranda</i>         | <i>Second Suffolk</i>                    | <i>2/16/2023</i> |
| <i>Peter Capano</i>        | <i>11th Essex</i>                        | <i>2/13/2023</i> |
| <i>Judith A. Garcia</i>    | <i>11th Suffolk</i>                      | <i>3/10/2023</i> |
| <i>Natalie M. Higgins</i>  | <i>4th Worcester</i>                     | <i>4/4/2023</i>  |

**SENATE . . . . . No. 870**

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 870) of James B. Eldridge, Sal N. DiDomenico, Patricia D. Jehlen, Lydia Edwards and other members of the General Court for legislation to improve the housing development incentive program. Housing.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act to improve the housing development incentive program.

*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 1 of chapter 40V of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended by inserting after the word “promote”, in line 13, the  
3 following words:- "mixed income multi-unit housing".

4 SECTION 2. Said section 1 of said chapter 40V, as so appearing, is hereby further  
5 amended by inserting after the word “neighborhood”, in line 14, the following words:- "and  
6 resident."

7 SECTION 3. Said section 1 of said chapter 40V, as so appearing, is hereby further  
8 amended by inserting after the word “development,”, in lines 14 and 15, the following words:-  
9 "and benefits to lower income residents without harm from increased rents or displacement  
10 caused by HDIP projects."

11 SECTION 4. Said section 1 of said chapter 40V, as so appearing, is hereby further  
12 amended by inserting after the word “multi-unit”, in line 16, the following words:- "mixed  
13 income."

14 SECTION 5. Said section 1 of said chapter 40V, as so appearing, is hereby further  
15 amended by inserting after the word “residential”, in line 16, the following words:- "new  
16 construction or substantial".

17 SECTION 6. Said section 1 of said chapter 40V, as so appearing, is hereby further  
18 amended by striking out, in line 17, the words “and once rehabilitated,” and inserting in place  
19 thereof the following word:- "which".

20 SECTION 7. Said section 1 of said chapter 40V, as so appearing, is hereby further  
21 amended by striking out, in line 18, the words “at least” and inserting in place thereof the  
22 words:- "not more than".

23 SECTION 8. Said section 1 of said chapter 40V, as so appearing, is hereby further  
24 amended by inserting after the words “market rate units”, in line 18, the following words:- "and  
25 not less than 20 per cent permanently affordable units".

26 SECTION 9. Said section 1 of said chapter 40V, as so appearing, is hereby further  
27 amended by inserting after the word “for”, in line 20, the following words:- "mixed income".

28 SECTION 10. Said section 1 of said chapter 40V, as so appearing, is hereby further  
29 amended by striking out, in line 21, the following words:- "market rate".

30 SECTION 11. Said section 1 of said chapter 40V, as so appearing, is hereby further  
31 amended by inserting after the definition of “Substantial rehabilitation” the following two

32 definitions:- “Mixed income development”, a development with not more than 80 per cent  
33 market rate units and not less than 20 per cent permanently affordable units.

34 “Permanently affordable unit”, a residential unit for: (i) renter households with incomes  
35 up to 50 per cent of HUD determined area median income and (ii) homeowners with incomes up  
36 to 80 per cent of area median income.

37 SECTION 12. Clause (iii) of subsection (a) of section 4 of said chapter 40V, as appearing  
38 in the 2020 Official Edition, is hereby amended by inserting after the word “zone”, in line 7, the  
39 following words:- "that is either distressed or in need of mixed income housing;".

40 SECTION 13. Clause (iv) of subsection (a) of said section 4 of said chapter 40V, as so  
41 appearing, is hereby amended by striking out, in line 8, the words “at least” and inserting in place  
42 thereof the following words:- "not more than".

43 SECTION 14. Clause (iv) of subsection (a) of said section 4 of said chapter 40V, as so  
44 appearing, is hereby further amended by inserting after the words “market rate units”, in line 8,  
45 the following words:- and not less than 20 per cent permanently affordable units.

46 SECTION 15. Subclause (C) of clause (ii) of subsection (b) of said section 4 of said  
47 chapter 40V, as so appearing, is hereby amended by inserting after the word ”growth”, in line 41,  
48 the following word:- and.

49 SECTION 16. Said subclause (C) of said clause (ii) of said subsection (b) of said section  
50 4 of said chapter 40V, as so appearing, is hereby further amended by inserting after the word  
51 “neighborhood”, in line 42, the following words:- and resident.

52 SECTION 17. Said subclause (C) of said clause (ii) of said subsection (b) of said section  
53 4 of said chapter 40V, as so appearing, is hereby further amended by inserting after the word  
54 “stabilization”, in line 42 the following words:- and benefiting lower income residents without  
55 harm from increased rents or displacement caused by the HDIP project.

56 SECTION 18. Clause (iii) of subsection (e) of said section 4 of said chapter 40V, as so  
57 appearing, is hereby amended by inserting after the word “the”, in line 90, the following words:-  
58 project name,.

59 SECTION 19. Said clause (iii) of said subsection (e) of said section 4 of said chapter  
60 40V, as so appearing, is hereby further amended by inserting after the word “rents”, in line 91,  
61 the following words:- or prices,.

62 SECTION 20. Said clause (iii) of said subsection (e) of said section 4 of said chapter  
63 40V, as so appearing, is hereby further amended by inserting after the word “units,”, in line 91,  
64 the following words:- number of bedrooms in each unit.

65 SECTION 21. Said clause (iii) of said subsection (e) of said section 4 of said chapter  
66 40V, as so appearing, is hereby further amended by striking out , in line 93, the figure “60” and  
67 inserting in place thereof the following figure :- 50.

68 SECTION 22. Said clause (iii) of said subsection (e) of said section 4 of said chapter  
69 40V, as so appearing, is hereby further amended by inserting after the word “project,”, in line  
70 100, the following words:- and the amount and duration of the property tax exemption.

71 SECTION 23. Section 5 of said chapter 40V, as so appearing, is hereby amended by  
72 inserting after the words “market rate units”, in line 4, the following words:- and permanently  
73 affordable units.

74 SECTION 24. Said Section 5 of said chapter 40V, as so appearing, is hereby further  
75 amended by inserting after the first sentence the following sentence:- The department shall  
76 award credits competitively using a published HDIP credit allocation plan containing a scoring  
77 process with clear criteria developed after a public notice and comment process and shall be  
78 reviewed at least every 5 years.

79 SECTION 25. Clause (i) of said section 5 of said chapter 40V, as so appearing, is hereby  
80 amended by inserting after the word “for”, in line 8 the following words:- HDIP mixed income.

81 SECTION 26. Clause (ii) of said section 5 of said chapter 40V, as so appearing, is hereby  
82 amended by inserting after the word “will”, in line 11, the following words:- increase the supply  
83 of and.

84 SECTION 27. Said clause (ii) of said section 5 of said chapter 40V, as so appearing, is  
85 hereby further amended by inserting after the word “encourage”, in line 11, the following  
86 words:- mixed income multi-unit.

87 SECTION 28. Said clause (ii) of said section 5 of said chapter 40V, as so appearing, is  
88 hereby further amended by striking out, in line 11, the words “expansion of” and inserting in  
89 place thereof the following word:- expand.

90 SECTION 29. Said clause (ii) of said section 5 of said chapter 40V, as so appearing, is  
91 hereby further amended by inserting after the word “neighborhood”, in line 12, the following  
92 words:- and resident.

93 SECTION 30. Said clause (ii) of said section 5 of said chapter 40V, as so appearing, is  
94 hereby further amended by striking out, in line 12, the word “and”.

95 SECTION 31. Said clause (ii) of said section 5 of said chapter 40V, as so appearing, is  
96 hereby further amended by inserting after the word “and”, in line 13, the following words:-  
97 directly benefit lower-income residents without harm from increased rents or displacement  
98 caused by the HDIP project.

99 SECTION 32. Clause (iii) of said section 5 of said chapter 40V, as so appearing, is  
100 hereby amended by inserting after the words “market rate units”, in line 14 the following words:-  
101 and permanently affordable units.

102 SECTION 33. Said section 5 of said chapter 40V, as so appearing, is hereby amended by  
103 adding the following subsections:- (iv), the inclusion of a range of bedroom sizes including those  
104 suitable for families with children and (v), the size of the credit needed for the project to be  
105 financially feasible.

106 SECTION 34. Paragraph (1) of subsection (q) of section 6 of chapter 62 of the General  
107 Laws, as so appearing, is hereby amended by inserting after the word “units”, in line 846, the  
108 following words:- and permanently affordable units.

109           SECTION 35. Subdivision (1) of section 38BB of chapter 63 of the General Laws, as so  
110 appearing, is hereby amended by inserting after the word “units”, in line 7 the following words:-  
111 and permanently affordable units.