

SENATE No. 1312

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 resolve:

Resolve establishing a special commission on the Dover amendment.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/24/2023</i>

SENATE No. 1312

By Mr. Moore, a petition (accompanied by resolve, Senate, No. 1312) of Michael O. Moore and Rebecca L. Rausch that provisions be made for an investigation and study by a special commission (including members of the General Court) relative to the use and effectiveness of the zoning approval process of educational uses under the so-called Dover amendment. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1347 OF 2021-2022.]

The Commonwealth of Massachusetts

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

Resolve establishing a special commission on the Dover amendment.

1 **Resolved**, there shall be a special commission to study the use and effectiveness of the
2 zoning approval process of educational uses under the so-called Dover amendment, section 3 of
3 chapter 40A of the General Laws.

4 The commission shall consist of the secretary of housing and economic development or a
5 designee, who shall serve as chair; the secretary of the executive office of education or a
6 designee; 2 members appointed by the president of the senate, including the senate chair of the
7 joint committee on municipalities and regional government and the senate chair of the joint
8 committee housing; 1 member appointed by the senate minority leader; 2 members appointed by
9 the speaker of the house of representatives, including the house chair of the joint committee on
10 municipalities and regional government and the house chair of the joint committee housing; 1

11 member appointed by the house minority leader and 3 members to be appointed by the governor,
12 1 of whom shall be a local official with expertise in zoning, 1 of whom shall be a member of a
13 non-profit social services agency and 1 of whom shall be a member of a non-profit school or
14 higher education institution.

15 The commission shall study the impact of the education exemption provided by the
16 Dover amendment on municipalities and nonprofit education institutions, which shall include a
17 review of the types of building projects sited under the protection of the Dover amendment and
18 the case law decided on the educational exemption. The commission shall solicit public
19 testimony, either by holding public hearings or through surveys.

20 The commission shall file the results of its study together with recommendations for
21 legislation, which shall include a proposed definition of “educational purposes”, with the clerks
22 of the house of representatives and senate, on or before January 1, 2024.