

HOUSE No. 4020

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick Joseph Kearney

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 owner occupancy requirement for accessory dwelling units.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>1/14/2025</i>

HOUSE No. 4020

By Representative Kearney of Scituate, a petition (accompanied by bill, House, No. 4020) of Patrick Joseph Kearney relative to owner occupancy requirement for accessory dwelling units. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to owner occupancy requirement for accessory dwelling units.

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 3 of chapter 40A of the General Laws, as amended by section 8 of chapter 150 of
2 the acts of 2024, is hereby amended by striking out the last paragraph and inserting in place
3 thereof the following paragraph:-

4 No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special
5 permit or other discretionary zoning approval for the use of land or structures for a single
6 accessory dwelling unit, or the rental thereof, in a single-family residential zoning district;
7 provided, that the use of land or structures for such accessory dwelling unit under this paragraph
8 may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq.,
9 if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and
10 height of structures and may be subject to restrictions and prohibitions on short-term rental, as
11 defined in section 1 of chapter 64G. The use of land or structures for an accessory dwelling unit
12 under this paragraph shall not require owner occupancy of either the accessory dwelling unit or

13 the principal dwelling; provided, that not more than 1 additional parking space shall be required
14 for an accessory dwelling unit; provided further, that no additional parking space shall be
15 required for an accessory dwelling located not more than 0.5 miles from a commuter rail station,
16 subway station, ferry terminal or bus station; and provided further, that the accessory dwelling
17 unit is primarily utilized as a secondary residential unit within the same property for use by the
18 owner or family members and to promote affordable housing, community well-being and prevent
19 speculative investment in residential properties. For more than 1 accessory dwelling unit, or
20 rental thereof, in a single-family residential zoning district there shall be a special permit for the
21 use of land or structures for an accessory dwelling unit. The executive office of housing and
22 livable communities may issue guidelines or promulgate regulations to administer this paragraph.