

HOUSE No. 4163

The Commonwealth of Massachusetts

PRESENTED BY:

Kristin E. Kassner

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 accessory dwelling units inclusion in the subsidized housing inventory.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kristin E. Kassner</i>	<i>2nd Essex</i>	<i>1/16/2025</i>
<i>Michelle L. Badger</i>	<i>1st Plymouth</i>	<i>8/14/2025</i>

HOUSE No. 4163

By Representative Kassner of Hamilton, a petition (accompanied by bill, House, No. 4163) of Kristin E. Kassner relative to including accessory dwelling units in subsidized housing inventory. Housing.

The Commonwealth of Massachusetts

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

An Act relative to accessory dwelling units inclusion in the subsidized housing inventory.

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. Chapter 23B of the General Laws is hereby amended by adding the
2 following section:-

3 Section 31. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 "Accessory dwelling unit" or "ADU", as defined in section 1A of chapter 40A.

6 "Accessory dwelling unit local initiative" or "ADU-LI", a municipal local initiative to
7 create and incentivize the long-term viability and affordability of accessory dwelling units.

8 "Affordable housing restriction", an affordable housing restriction within the meaning of
9 the fifth paragraph of section 31 of chapter 184.

10 "Agreement", a written agreement between a property owner and a municipality,
11 recorded with the registry of deeds, that runs with the land and is binding on subsequent property
12 owners. Among other things the agreement shall contain an affordable housing restriction.

13 "Area median income", the area median income in a designated area, adjusted for
14 household size, as reported by the United States Department of Housing and Urban
15 Development.

16 "Executive office", the executive office of housing and livable communities.

17 "Intergenerational occupancy", residency of persons from different generations, including
18 but not limited to parents, children or grandparents.

19 "Local initiative unit" or "LIU", an accessory dwelling unit created under chapter 40A
20 and is eligible for inclusion on the subsidized housing inventory.

21 "Owner-occupied", a property on which the owner maintains a permanent residence in
22 either the primary dwelling unit or the accessory dwelling unit.

23 "Primary dwelling", the main residential structure on a property that contains an
24 accessory dwelling unit.

25 "Subsidized housing inventory", the list compiled by the executive office of housing and
26 livable communities of low-and-moderate income housing units qualifying under chapter 40B.

27 (b) There shall be an accessory dwelling unit local initiative, hereafter referred to as
28 ADU-LI, in the executive office to promote the cooperative creation and preservation of
29 accessory dwelling units that increase housing diversity, create affordable housing options and
30 foster supportive living arrangements among residents in participating municipalities. The

31 program shall allow for diverse occupancy relationships between residents of primary dwellings
32 and accessory dwelling units, including but not limited to:

33 (i) traditional long-term landlord-tenant relationships;

34 (ii) family care arrangements, where a family member resides in the accessory dwelling
35 unit to provide or receive care from relatives in the primary dwelling;

36 (iii) home-sharing arrangements, where the property owner occupies 1 unit and
37 establishes a cooperative living arrangement with the occupant of the ADU;

38 (iv) intergenerational occupancy, where different generations reside in the separate units
39 on the same property; and

40 (v) other cooperative living arrangements as may be appropriate to promote housing
41 diversity and mutual support among residents.

42 (c) Pursuant to chapter 30A, the executive office shall promulgate regulations to establish
43 a model agreement for municipalities to use in implementing this section. The model agreement
44 shall include, at minimum, the following requirements:

45 (i) no less than a 10-year term during which the accessory dwelling unit shall be rented to
46 a household earning not more than 80 per cent of the area median income in the form of an
47 affordable housing restriction;

48 (ii) provisions for the agreement to be recorded at the registry of deeds as a restriction
49 running with the land pursuant to the fifth paragraph of section 31 of chapter 184;

50 (iii) provisions for yearly income certification of tenants, to be reported to the
51 municipality;

52 (iv) pursuant to section 95 of chapter 59, a requirement that a property with an accessory
53 dwelling unit in the program as an LIU shall be assessed at a restricted value reflecting the
54 affordable housing restriction, income limits and other restrictions in the agreement;

55 (v) provisions that if the income restrictions are violated, the property shall be assessed at
56 full market value until compliance with the agreement is restored;

57 (6) a requirement that the property remain owner-occupied during the term of the
58 agreement;

59 (7) a requirement that the accessory dwelling unit comply with all applicable state
60 building and sanitary codes; and

61 (8) a statement that discrimination based on race, color or national origin is prohibited in
62 an owner-occupied dwelling and ADU.

63 (d) A municipality that establishes an ADU-LI under this section shall submit its
64 proposed agreement to the executive office for approval. Upon the executive office's approval of
65 a municipality's agreement, any local initiative unit created under the program shall be eligible
66 for inclusion in the municipality's subsidized housing inventory.

67 (e) There shall be established a grant program to encourage the municipal creation and
68 preservation of ADU-LI units and participation by homeowners and occupants. The executive
69 office shall administer the grant program and may award grants, subject to appropriation,
70 covering up to 20 per cent of the development costs for an accessory dwelling unit where the

71 property owner commits to maintaining affordable housing for occupancy by persons at or below
72 80 per cent of area median income for a period of at least 10 years. The executive office shall
73 establish eligibility criteria, application procedures and verification methods for the ADU-LI
74 grant program.

75 (f) Notwithstanding any general or special law to the contrary, a municipality may award
76 grants or loans from any municipal affordable housing trust, community preservation fund or
77 other dedicated funding for the preservation or development of local initiative units.

78 (g) The executive office shall establish a statewide resident matching service to connect
79 homeowners with potential compatible residents for local initiative units. The service shall:

80 (i) provide screening and verification services;

81 (ii) offer model agreements for home owners and residents; and

82 (ii) provide ongoing support services to facilitate successful long-term relationships.

83 (h) The executive office shall, pursuant to chapter 30A, promulgate regulations to
84 implement this section.

85 SECTION 2. Chapter 59 of the General Laws is hereby amended by adding the following
86 section:-

87 Section 95. The value of land subject to an agreement under the provisions section 31 of
88 chapter 23B shall be determined under section 38 solely based on its participation in the ADU-LI
89 program as set forth in said section 31. The board of assessors shall assess such land at
90 valuations based upon the guidelines established under the provisions of chapter 58, but in no

91 event shall such valuation exceed 75 per cent of its fair cash value as determined pursuant to
92 chapter 59.