

**HOUSE . . . . . No. 5487**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michelle L. Ciccolo*

*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 establish a surcharge on specific residential development activities for the purpose of funding the creation of community housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>6/2/2026</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>6/2/2026</i>

**HOUSE . . . . . No. 5487**

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By Representative Ciccolo of Lexington, a petition (accompanied by bill, House, No. 5487) of Michelle L. Ciccolo and Cindy F. Friedman (by vote of the town) that the town of Lexington be authorized to establish a surcharge on certain residential development activities for the purpose of funding the creation of community housing. Revenue. [Local Approval Received.]

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**The Commonwealth of Massachusetts**

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

An Act to establish a surcharge on specific residential development activities for the purpose of funding the creation of community housing.

*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: In order to mitigate the continued loss of moderate-income housing by the  
2 demand for buildable parcels of land, a residential fee, hereafter referred to as "the residential  
3 development community housing surcharge" or "the surcharge," shall be added by the town of  
4 Lexington to all new single- and two-family residential construction building permits issued by  
5 said town on parcels where an existing single- or two- family dwelling has been demolished to  
6 create a single buildable lot or multiple buildable lots.

7           SECTION 2: The select board of the town of Lexington shall determine the amount of  
8 the surcharge, which shall be applied on a dollars-per-square-foot basis on the total gross floor  
9 area of the structure or structures permitted by an applicable building permit. The surcharge shall  
10 apply only to newly-constructed single-family and two-family structures larger than gross floor  
11 area thresholds defined by the select board. The surcharge shall not apply to structures permitted

12 for the creation of community housing, and to permits for reconstruction provided the new  
13 structure has the same or less gross floor area. The select board shall adjust the rate of the  
14 community housing surcharge annually for inflation.

15 SECTION 3: The town manager of the town of Lexington or their designee shall prepare  
16 a study at least every seven years, which may be conducted as part of other studies within town  
17 of Lexington. The study shall determine the suitability, effect, and rate ranges of the surcharge,  
18 and recommend to the select board any possible changes necessary to address changing demand  
19 for community housing. The select board shall establish an initial surcharge rate, implement the  
20 surcharge, and make the surcharge effective no later than eighteen (18) months from the  
21 effective date of this act. The town manager or their designee shall also prepare and issue a  
22 periodic report that identifies surcharge receipts and quantifies the attributes of community  
23 housing projects funded by the community housing surcharge.

24 SECTION 4: The select board of the town of Lexington may adopt additional  
25 requirements, exemptions, and regulations to implement or enforce said community housing  
26 surcharge, consistent with this act.

27 SECTION 5: The building commissioner of the town of Lexington shall not issue a  
28 certificate of occupancy for a building subject to this act before the surcharge required by this act  
29 is paid. All surcharges received pursuant to this act shall be deposited into the Town of  
30 Lexington Affordable Housing Trust Fund, in accordance with section 55C of chapter 44 of the  
31 General Laws.

32           SECTION 6: For the purposes of this act, "community housing" shall mean as defined  
33 under section 2 of chapter 44B of the General Laws, and "demolition" shall mean demolition of  
34 more than 50% of the primary building's shell.

35           SECTION 7: This act shall take effect upon its passage.