

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Andres X. Vargas and Tara T. Hong*

*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 promote Yes in God's Back Yard.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>1/17/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act to promote Yes in God's Back Yard.

*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 40A of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by inserting after section 3A the following two sections:-

3 Section 3AA. No zoning ordinance or by-law shall prohibit, unreasonably restrict or  
4 require a special permit or other discretionary zoning approval for the use of land owned by a  
5 religious sect or denomination for multifamily housing.

6 (a) For the purposes of this section,

7 i. "religious sect or denomination" shall include, without limitation, any  
8 organization organized predominantly for religious purposes, whether incorporated or  
9 unincorporated, including without limitation an organization recognized by the Internal Revenue  
10 Service as exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986,  
11 as amended, based on its status as a religious or apostolic association or corporation, or an  
12 organization recognized by the Department of Revenue as a religious organization exempt from  
13 taxation pursuant to Section 5 of Chapter 59 of the General Laws, as amended, or any other

14 organization that would qualify as a religious sect or denomination for purposes of Section 3 of  
15 Chapter 40A of the General Laws, or any affiliated organization.

16 ii. “land owned by a religious sect or denomination” shall include land, buildings or  
17 structures owned by or held in trust for the use of a religious sect or denomination for at least  
18 three (3) years prior to the issuance of a building permit for multifamily housing allowed under  
19 this section 3AA.

20 (b) Multifamily housing shall be allowed as of right on land owned by a religious sect  
21 or denomination if it meets the following dimensional requirements (provided, that if greater  
22 density or height, or lower setbacks, are permitted under the underlying zoning ordinance or by-  
23 law, the requirements under such zoning ordinance or by-law shall govern):

24 i. Gross density shall be allowed at up to the greater of:

25 a) 30 units per acre if the housing includes at least 20% of the units affordable to  
26 families and individuals with incomes of not more than 80% of the area median income; or

27 b) More than 30 but no more than 50 units per acre if the housing includes either (A)  
28 at least 25% of the units affordable to families and individuals with incomes of not more than  
29 80% of the area median income or (B) at least 20% of the units affordable to families and  
30 individuals with incomes of not more than 60% of the area median income.

31 ii. Structures on the land may have a height up to the greater of the height of existing  
32 structures prior to development pursuant to this section, 4 full stories, 45 feet or any greater  
33 number of stories and/or building height allowed under the zoning ordinance or by-law for the  
34 zoning district in which the land is located.

35           iii.     A minimum of 15 feet of side yard setback and 15 feet of rear yard setback shall  
36 apply unless the underlying zoning ordinance or by-law requires a lower minimum setback.

37           (c)     No off-street parking spaces shall be required for multifamily housing developed  
38 on land owned by a religious sect or denomination that is located not more than .5 miles from a  
39 commuter rail station, ferry terminal, or bus station and no more than 1 parking space per unit  
40 may be required for multifamily housing developed on land that is more than .5 miles from a  
41 commuter rail station, ferry terminal, or bus station.

42           (d)     All multifamily housing developed on land owned by a religious sect or  
43 denomination under this section shall comply with state water resources regulations and  
44 standards established by the Department of Environmental Protection.

45           (e)     No local occupancy preference shall be permitted in excess of twenty per cent of  
46 the multifamily housing units developed on land owned by a religious sect or denomination  
47 under this section. Any local preference shall comply with all applicable federal and state fair  
48 housing laws, and shall include current residents, employees of the municipality and local  
49 businesses (including persons hired to work in the municipality) and households with children  
50 attending the municipality's schools.

51           (f)     Up to 2 housing units or 5% of the total multifamily housing units developed  
52 under this section, whichever is less, may be set aside for occupancy by employees of the  
53 religious sect or denomination owning the land.

54           (g)     The executive office of housing and livable communities may promulgate  
55 regulations or guidelines as it deems necessary to further the purposes of this section.

56           (h)     Multifamily housing constructed pursuant to this section shall not be subject to  
57 any municipal ordinances, bylaws or regulations, or other municipal development standards or  
58 conditions of approval, that exceed applicable requirements of state law or regulation.

59           Section 3BB. A city or town which accepts this section may grant an exemption of up to  
60 the full amount of the taxable valuation of multifamily housing developed on land owned by a  
61 religious sect or denomination under Section 3AA of Chapter 40A of the General Laws. The  
62 city or town that accepts this section shall adopt an ordinance or by-law specifying the method  
63 for negotiating and approving exemptions under this section. This section shall take effect in any  
64 city or town only upon its acceptance by such city or town.