

SENATE No. 2835

The Commonwealth of Massachusetts

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

SENATE, December 11, 2025.

The committee on Housing to whom was referred the petition (accompanied by bill, Senate, No. 993) of Barry R. Finegold for legislation to accelerate housing production through a combination of incentives, zoning reforms, and financing solutions, report the accompanying bill (Senate, No. 2835).

For the committee,
Julian Cyr

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An Act accelerating housing production.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 7 of the General Laws is hereby amended by inserting after section 4S the following new section:-

Section 4T. Notwithstanding any general or special law to the contrary, the commissioner, in consultation with the deputy commissioner of local services and the secretary of housing and livable communities, shall direct all departments, commissions, offices, boards, divisions, institutions or other agencies administering discretionary or competitive grant programs for which eligible recipients include municipalities or other public instrumentalities to establish a preference modifier for prospective recipients in which requirements or regulations relative to the production of affordable housing are consistent with local needs, as defined in section 20 of chapter 40B; provided, however, that a regional or other partnership of 2 or more municipalities shall only be eligible for such preference modifier if the applicable requirements or regulations in all included municipalities are consistent with local needs as described herein. A municipality or other public instrumentality applying for a discretionary or competitive grant subject to this section that wishes to benefit from such preference modifier shall indicate, in a

format prescribed by the applicable department, commission, office, board, division, institution or agency, that local requirements and regulations are presently consistent with local needs; provided, however, that the administering entity may seek additional information from the executive office of housing and livable communities related to the subsidized housing inventory to confirm eligibility.

The secretary shall annually, on or before July 1, report on the implementation of this section to the senate and house committees on ways and means and the joint committee on housing.

SECTION 2. Section 27C of chapter 9 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting, in line 22, after the words “mitigate the adverse effects”, the following words:- ; provided, however, that the commission shall not require any such means that would render the project unable to realize a reasonable financial return in construction or operation, if: (i) said project is primarily residential in nature; and (ii) such property which is listed on the state register established by section 26C of this chapter was constructed on or after January 1, 1900.

SECTION 3. Section 5A of chapter 23B of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof the following paragraph:- There shall be within the executive office a housing appeals committee, consisting of 5 members to be appointed by the secretary or their designee, of whom 1 shall be an officer or employee of the executive office or any agency or division within the executive office, and 2 members to be appointed by the governor, of whom 1 shall be a current or recent member of a select board and 1 shall be a current or recent member of a city council or

37 similar governing body of a city. The members shall serve for terms of 2 years each, and the
38 secretary or their designee shall designate the chairperson. A member of the committee shall
39 receive no compensation for such services, but shall be reimbursed by the commonwealth for all
40 reasonable expenses actually and necessarily incurred in the performance of official duties. Said
41 committee shall hear all petitions for review filed under section 22 of chapter 40B, and shall
42 conduct said hearings in accordance with rules and regulations established by the secretary or
43 their designee; provided, however, that the committee may hear multiple such petitions
44 concurrently provided that any such petition is heard by no fewer than 3 members, at least 2 of
45 whom have been appointed by the secretary or their designee and at least 1 of whom has been
46 appointed by the governor, as assigned by the chairperson.

47 SECTION 4. Section 23D of Chapter 39, as so appearing, is hereby amended by striking,
48 in lines 2 – 3, the words “upon municipal acceptance of this section for 1 or more types of
49 adjudicatory hearings,”

50 SECTION 5. Section 8C of chapter 40 of the General Laws, as so appearing, is hereby
51 amended in the first paragraph by inserting after the words “any violation thereof” the
52 following:- ; provided, however, that the commission shall retain a record of any such rules and
53 regulations and any other applicable ordinance or by-law, subject to the provisions of section 7
54 of chapter 4, which denotes whether each such rule, regulation, ordinance or by-law is more
55 restrictive than the requirements of section 40 of chapter 131 and any accompanying regulations
56 promulgated by the department of environmental protection.

57 SECTION 6. Section 54A of Chapter 40 is hereby repealed.

SECTION 7. Chapter 40 of the General Laws is hereby amended by inserting the following new section:-

Section 54B. Building Permit Requirements

Municipalities shall not impose requirements as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure that exceed the requirements of the state building code under 780 CMR 105; provided, that municipalities may impose additional requirements prior to the issuance of a certificate of occupancy; and provided further, that housing projects built under Section 21 of Chapter 40B may be subject to additional requirements pursuant to said Chapter 40B.

SECTION 8. Section 1A of chapter 40A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the definition of “As of right” the following definition:-

“Bulk and height of structures” shall mean the articulation and roof lines of structures; provided, however, that performance standards governing bulk and height of structures may not be more restrictive than the dimensional requirements set forth in the ordinance or bylaw, nor require specific building materials. Articulation, as used herein, refers to the following strategies to address building massing: wall offsets, height variation, wall setbacks, accent lines, stepbacks, or such other industry standard types of articulation as may be proposed by the petitioner.

SECTION 9. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Permit granting authority” the following definition:-

"Site plan review" shall mean the review and approval process under a municipality's zoning ordinance or by-law that establishes criteria for the layout, safety, and impacts of a

proposed use or development, and whether a proposed use of land or structures is in compliance with reasonable performance standards as defined in section 7A, provided, however, that site plan review, and the performance standards applicable thereto, in connection with any use specifically governed by section 3 or any other section of this chapter shall be limited to the extent required by the provisions of such section.

SECTION 10. Section 6 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word “issued” and inserting in place thereof the following words:- or other entitlement under this chapter applied for

SECTION 11. Section 6 of chapter 40A of the General Laws, as so appearing, is hereby amended and by inserting after the second sentence, in line 16, the following new sentence:-
“Additionally, structures on lots with pre-existing nonconformities as to lot size or shape, frontage, lot coverage, or floor area ratio may be extended or altered as of right provided such expansion or alteration complies with the current dimensional regulations regarding height, stories, and setback;”

SECTION 12. Section 6 of chapter 40A of the General Laws, as so appearing, is hereby amended by striking out the second and third paragraphs and inserting in place thereof the following two paragraphs:-

A zoning ordinance or by-law shall provide that construction or operations under a building permit shall conform to any subsequent amendment of the ordinance or by-law unless the use or construction is commenced within a period of not more than 24 months after the issuance of the last permit necessary for construction and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is

reasonable. The 24-month period shall be tolled during any time the applicant is actively seeking or obtaining other necessary permits. Construction or operations under a special permit issued pursuant to section 9 or site plan approval pursuant to the local ordinance or by-law shall conform to any subsequent amendment of the zoning ordinance or by-law or of any other local land use regulations unless the use or construction is commenced within a period of 3 years after the issuance of the special permit or site plan approval and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. For the purpose of the prior sentence, construction involving the redevelopment of previously disturbed land shall be deemed to have commenced upon substantial investment in site preparation or infrastructure construction, and construction of developments intended to proceed in phases shall proceed expeditiously, but not continuously, among phases.

A zoning ordinance or by-law may define and regulate nonconforming uses and structures abandoned or not used for a period of 4 years or more.

SECTION 13. Said section 6 of said chapter 40A, as so appearing, is hereby further amended by striking the words, in line 46, “for single and two family”.

SECTION 14. Chapter 40A of the General Laws is hereby amended by adding the following section:–

Section 7A. (a) Definitions. As used in this section, the following words shall have the following meanings:

“Designated authority” shall mean the local municipal board, committee, and/or official(s) designated in the zoning ordinance or bylaw to conduct site plan review.

“Performance standards” shall mean reasonable municipal zoning regulations, and published industry standards and best practices, applicable to site plans and relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, stormwater drainage, screening, bulk and height of structures, exterior lighting, and storage or other outdoor service areas.

(b) Substantive provisions of site plan review, including content of submittal requirements and applicable performance standards, governing site plan review and approval by the designated authority or authorities must be as set forth within a local ordinance or by-law adopted pursuant to section 5. Performance standards must be reasonably definite and objective so that any petitioner has knowledge of such standards prior to application submittal. No zoning bylaw or ordinance may include performance standards governing the aesthetics of structures; provided, that municipalities may establish uniform design guidelines. The designated authority may, where such action is in the public interest and not inconsistent with the intent and purpose of this section, waive strict compliance with the performance standards for site plan review. The designated authority may adopt, and from time to time amend, procedural rules and regulations to implement the local site plan review ordinance or by-law, including provisions for the imposition of reasonable fees for the employment of outside consultants in the same manner as set forth in section 53G of chapter 44.

(c) A zoning ordinance or bylaw may establish applicability standards for projects that are subject to site plan review, which may include a category of projects that are subject to a minor or administrative site plan review process. The zoning ordinance or bylaw may require a public hearing in accordance with section eleven for projects that meet or exceed specified thresholds under the zoning ordinance or by-law. The decision of the designated authority for a

146 use allowed by right, or for a use requiring a special permit but reviewed by a separate
147 designated authority, shall require a simple majority vote of the designated authority and shall be
148 made within the time limits prescribed by ordinance or by-law, not to exceed 90 days from the
149 date of filing of a complete application or such extended time as may be agreed in writing by the
150 petitioner. The submission and review process for a site plan required in connection with the
151 issuance of a special permit, and subject to review by the same permit granting authority as the
152 special permit application, shall be conducted with the review of the special permit application in
153 a coordinated process and may require the same quantum of vote required for approval of a
154 special permit. The ordinance or by-law may establish the designated authority to be the building
155 commissioner, director of planning, or other municipal official who coordinates administrative
156 site plan review with other municipal employees, in which instance there shall be no vote
157 requirement for site plan review. Any appeal from administrative site plan review shall be in
158 accordance with section 17 unless an ordinance or by-law first provides for an appeal to another
159 public body of the municipality. In no instance shall the issuance or denial of a building permit
160 be a prerequisite to the filing of a civil action under this section.

161 (d) Site plan review may impose only those conditions that are necessary to ensure
162 substantial compliance of the proposed use of land or structures with the requirements of the
163 zoning ordinance or by-law, provided that no condition may impose restrictions greater than
164 those expressly regulated within the zoning ordinance or bylaw and no conditions may be
165 imposed regarding matters over which jurisdiction exclusively lies in another body pursuant to
166 any general or special law, and further provided that any off-site conditions shall only address
167 direct adverse impacts related to performance standards expressly governed by the zoning

ordinance or bylaw and which conditions are proportionate in both nature and extent to the impacts of the project on adjacent properties or adjacent roadways.

(e) A site plan application may be denied only on the grounds that: (i) the proposed site plan does not meet the specific requirements set forth in the zoning ordinance or by-law; or (ii) the petitioner failed to submit the information and fees required by the zoning ordinance or by-law necessary for an adequate and timely review of the design of the proposed land or structures.

(f) The designated authority shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the city or town clerk and shall be deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner and, if such site plan review required a public hearing pursuant to the zoning ordinance or bylaw, to the parties in interest designated in section eleven. Each such notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within twenty days after the date of filing of such notice in the office of the city or town clerk. Failure by the designated authority to take final action within said ninety days or extended time, if applicable, shall be deemed to be an approval of the site plan. The petitioner who seeks such approval by reason of the failure of the designated authority to act within such time prescribed, shall notify the city or town clerk, in writing within fourteen days from the expiration of said ninety days or extended time, if applicable, of such approval. If site plan review required a public hearing, the petitioner shall send such notice to parties in interest designated in section eleven by mail and each such notice shall specify that appeals, if any, shall be made pursuant to section seventeen and shall be filed within 20 days after the date the city or town clerk received such written notice from the

petitioner that the designated authority failed to act within the time prescribed. After the expiration of 20 days without notice of appeal pursuant to section seventeen, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the designated authority failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

(g) A site plan approval granted under this section shall lapse within a specified period of time, not less than 3 years from the date of the filing of such approval with the city or town clerk, if substantial use or construction has not yet begun, except as extended for good cause by the designated authority. Such specified period shall not include time required to pursue or await the determination of an appeal under section 17 or to pursue or await the appeal of any other permit, license, determination or approval which are prerequisites to issuance of a building permit. The aforesaid minimum period of three years may, by ordinance or by-law, be increased to a longer period.

SECTION 15. Section 9 of Chapter 40A, as appearing in the 2024 Official Edition, is hereby amended by striking paragraph 12 and inserting in place the following paragraph:-

Each application for a special permit shall be filed by the petitioner with the city or town clerk and a copy of said application, including the date and time of filing certified by the city or town clerk, shall be filed forthwith by the petitioner with the special permit granting authority. The special permit granting authority shall hold a public hearing, for which notice has been given as provided in section 11, on any application for a special permit within 45 days from the date

213 such application is deemed complete; provided, however, that a city council having more than 5
214 members designated to act upon such application may appoint a committee of such council to
215 hold the public hearing; and provided further that any public hearing on a special permit
216 application shall extend for no more than 100 days from the date the hearing is opened. The
217 decision of the special permit granting authority shall be made within 60 days following the date
218 of such public hearing. The required time limits for a public hearing and said action may be
219 extended by written agreement between the petitioner and the special permit granting authority.
220 A copy of such agreement shall be filed in the office of the city or town clerk. A special permit
221 issued by a special permit granting authority shall require a two-thirds vote of boards with more
222 than five members, a vote of at least 4 members of a 5 member board, and a unanimous vote of a
223 3 member board.

224 SECTION 16. Section 9 of Chapter 40A, as so appearing, is hereby amended by inserting
225 by striking subsection (a), in the thirteenth paragraph, and inserting in place thereof the following
226 words:- “(a) residential housing, including but not limited to multi-family housing and single
227 family homes;”

228 SECTION 17. Said section 9 of said chapter 40A, as so appearing, is hereby further
229 amended by, in the fourteenth paragraph, striking out the first two sentences and inserting in
230 place thereof the following two sentences:- Failure by the special permit granting authority to
231 adhere to the time requirements under this section shall be deemed to be a grant of the special
232 permit. The petitioner who seeks such approval by reason of the failure of the special permit
233 granting authority to act within such time prescribed, shall notify the city or town clerk, in
234 writing within 14 days from the expiration of said period or extended time, if applicable, of such
235 approval and that notice has been sent by the petitioner to parties in interest.

SECTION 18. Said chapter 40A of the General Laws is hereby amended by striking out section 10 and inserting in place thereof the following:-

Section 10. The permit granting authority shall have the power, after public hearing for which notice has been given by publication and posting as provided under section 11 and by mailing to all parties in interest, to grant upon appeal or upon petition with respect to particular land or structures a variance from the terms of the applicable zoning ordinance or by-law where such permit granting authority specifically finds that a literal enforcement of the provisions of the ordinance or by-law would result in a practical difficulty. In making its determination, the permit granting authority shall weigh the benefits to the appellant/petitioner and to the public interest including the interest in supporting the production of housing against the detriment to the health, safety, and welfare of the neighborhood, and may also consider: (a) whether the practical difficulty relates to soil conditions, shape, or topography of such land or structures; (b) whether the literal enforcement would impose a financial hardship on the appellant/petitioner; (c) whether the benefit sought by the appellant/petitioner can be achieved by some other method feasible for the appellant/petitioner to achieve; and (d) whether the practical difficulty was self-created.

Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity other than residential, not otherwise permitted in the district in which the land or structure is located; provided, however, that such variances properly granted prior to January 1, 1976, but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date. If the rights authorized by a variance are not exercised within 2 years of the date of grant of such variance, which shall not include such time required to pursue other entitlements necessary to construct the project authorized by the variance or await the determination of an appeal referred to in section 17, such

rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed 2 years; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such 2 year period. If the permit granting authority does not grant such extension within 30 days of the date of application therefor, and upon the expiration of the original 2 year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

SECTION 19. Section 11 of Chapter 40A, as appearing in the 2024 Official Edition, is hereby amended by striking the word “a”, in line 1, and inserting in place thereof the following words:- “an on-line or printed”

SECTION 20. Section 11 of Chapter 40A, as so appearing, is hereby amended by inserting, after the word “hall”, in line 6, the following words:- or on the municipality’s website, as applicable,

SECTION 21. Section 15 of said chapter 40A, as so appearing, is hereby amended in the fifth paragraph by striking out the first seven sentences and inserting in place thereof the following seven sentences:-

All hearings of the board of appeals shall be open to the public and shall be opened within 30 days of any petition or application. Any such public hearing of the board of appeals shall extend for no more than 60 days from the date the hearing is opened. The decision of the board shall be made within 100 days after the date of the filing of an appeal, application or petition, except in regard to special permits, as provided for in section nine. The required time limits for a public hearing and said action, may be extended by written agreement between the

applicant and the board of appeals. A copy of such agreement shall be filed in the office of the city or town clerk. Failure by the board to act within the times prescribed or extended time, if applicable, shall be deemed to be the grant of the appeal, application or petition. The petitioner who seeks such approval by reason of the failure of the board to act within the time prescribed shall notify the city or town clerk, in writing, within 14 days from the expiration of said period or extended time, if applicable, of such approval and that notice has been sent by the petitioner to parties in interest.

SECTION 22. Section 17 of Chapter 40A, as so appearing, is hereby amended by inserting, after the word “require”, in line 55, the following words:- ; provided, that only the original applicant, appellant or petitioner may introduce such evidence,

SECTION 23. Section 23 of chapter 40B, as so appearing, is hereby amended by inserting at the end of the first paragraph the following:- If the housing appeals committee elects to vacate 3 decisions of any particular board of appeals within a 5-year period, said board of appeals shall be held under review and all further denials for a period of 3 years shall be reviewed by the housing appeals court without necessary action from the applicant; provided, however, that an applicant may forego review by the housing appeals committee by submitting a written request to opt out in a form to be prescribed by the committee within 10 days of the board’s denial. If the housing appeals committee elects to order a board to modify or remove conditions in any 3 individual cases within a 5-year period, said board of appeals shall be held under review and all further denials for a period of 2 years shall be reviewed by the housing appeals court without necessary action from the applicant; provided, however, that an applicant may forego review as permitted herein.

SECTION 24. Section 6 of chapter 40C of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following:- ; provided, however, that said commission shall issue such certificate notwithstanding any general or special law or local ordinance or by-law to the contrary if: (a) said construction of a building or structure or alteration of an exterior architectural feature within an historic district creates 1 or more new units of housing; and (b) in the case of an alteration of an exterior architectural feature or demolition, the existing structure under consideration was constructed on or after January 1, 1900; and provided further, that said commission may issue an order of conditions in furtherance of the purpose of this chapter when issuing a certificate under this paragraph, provided that such conditions shall not render a project that is primarily residential in nature unable to realize a reasonable financial return in construction or operation of said housing.

SECTION 25. Section 5 of chapter 40L of the General Laws, as so appearing, is hereby amended by striking the first paragraph and inserting in place thereof the following 2 paragraphs:-

Land within an agricultural incentive area shall not be sold for or converted to industrial or commercial use or removed from the area unless the city or town in which such land is located and the department of agricultural resources on behalf of the state has been notified of the intent to sell or convert to such other use or remove said land from the area; provided, however, that the discontinuance of the use of such land for agricultural or horticultural purposes shall not be deemed a conversion to another use. Such notice of intent shall be sent by the landowner by registered mail, return receipt requested, to the mayor and city council of a city, or to the board of selectmen of a town, to its planning board and conservation commission and to the commissioner of the department of food and agriculture. For a period of 60 days subsequent to

326 the mailing of such notice, the city or town or the commonwealth shall have, in the case of
327 intended sale, a first refusal option to meet a bona fide offer to purchase said land or, in the case
328 of intended conversion to commercial or industrial use not involving sale and not specifically
329 exempted herein, an option to purchase said land at full and fair market value to be determined
330 by impartial appraisal in accordance with recognized professional standards. No such sale or
331 conversion to another use of such land shall occur until either said option period shall have
332 expired or the landowner shall have been notified in writing by the mayor or board of selectmen
333 of the city or town in question and by the commissioner that said option will not be exercised.
334 Such option shall be exercised by written notice signed by the mayor or board of selectmen or by
335 the commissioner mailed within the option period to the landowner by registered mail at such
336 address as may be specified in his notice of intent and recorded with the appropriate registry of
337 deeds or land registration office. Such option may only be exercised by the municipality or the
338 department upon a showing that there are sufficient funds available to exercise said option.

339 Land within an agricultural incentive area shall not be sold for or converted to residential
340 use unless: (i) the city or town in which such land is located and the department of food and
341 agriculture on behalf of the state has been notified of the intent to sell or convert to residential
342 use; and (ii) the landowner pays to said city or town a residential conversion fee, the sum of
343 which shall be the total difference between any actual property tax levied on such area and the
344 residential property tax that would have been levied on such area were the area of residential use
345 for the last 5 taxable years. Such notice of intent shall be sent by the landowner by registered
346 mail, return receipt requested, to the mayor and city council of a city or to the board of selectmen
347 of a town, to its planning board and conservation commission and to the commissioner of the
348 department of food and agriculture, and shall include an attestation by the landowner that

349 continued agricultural use of said land is infeasible and the reasons therefore. Such residential
350 conversion fee shall be assessed by the city or town within 30 days of receipt of such notice of
351 intent and shall be paid by the landowner before the sale or conversion shall take effect. Such
352 residential conversion fee shall be paid into the city or town treasury and be subject to further
353 appropriation pursuant to section 53 of chapter 44. Specific use of land for a residence for the
354 owner or a parent, grandparent, child, grandchild or brother or sister of the owner, or the
355 surviving husband or wife of any deceased such relative, or for living quarters for any person
356 actively employed full time in the agricultural or horticultural use of such land, shall not be
357 deemed a conversion to residential use for the purposes of this section, and a certificate of the
358 board of assessors, recorded at the appropriate registry of deeds or land registration office, shall
359 conclusively establish that a particular use is such use.”

360 SECTION 26. Subsection (e) of section 3 of chapter 121D, as so appearing, is hereby
361 amended by inserting at the end thereof the following:- , hereinafter referred to as the board;
362 provided, however, that such program of first-time homebuyer assistance shall include, but not
363 be limited to, mortgage loans, down payment assistance and closing cost assistance; provided
364 further, that in addition to any other eligibility requirements as determined by the board, such
365 first-time homebuyer assistance shall be made available to residents earning not more than
366 \$250,000 per year; and provided further, that such program of down payment assistance or
367 closing cost assistance shall offer maximum assistance of not less than \$75,000 to an applicant.

368 SECTION 27. Section 40 of chapter 131 of the General Laws, as so appearing, is hereby
369 amended in the third paragraph thereof by inserting at the end of the first sentence the
370 following:- ; provided, however, that if the proposed work is primarily residential in nature, this
371 section shall be applicable to any land or work thereon only if the conditions contained herein are

met, notwithstanding any local rule, regulation, ordinance or by-law which would otherwise render the proposed work subject to this section; and provided further, that proposed work shall be considered primarily residential in nature if half or more of the total project area is used to create 1 or more new units of housing, including any minimum parking area as required by local ordinance or by-law.

SECTION 28. Said section 40 of said chapter 131, as so appearing, is hereby further amended in the eighteenth paragraph thereof by inserting at the end of the first sentence the following:- ; provided, however, that if the proposed work is primarily residential in nature, such conservation commission, board of selectmen or mayor shall not impose such conditions based solely on any local rule, regulation, ordinance or by-law identified as more restrictive than the provisions of this section pursuant to section 8C of chapter 40, unless such condition also adheres to the provisions of this section or regulations promulgated by the department hereunder; and provided further, that proposed work shall be considered primarily residential in nature if half or more of the total project area is used to create 1 or more new units of housing, including any minimum parking area as required by local ordinance or by-law.

SECTION 29. Subsection (a) of section 1E of chapter 164 of the General Laws, as so appearing, is hereby amended by striking the last sentence and inserting in place thereof the following:- In promulgating such performance based rate schemes, the department shall establish service quality standards for each distribution, transmission and gas company for all customer classes. Such service quality standards shall include, but not be limited to, standards for: (i) customer satisfaction; (ii) service outages; (iii) distribution facility upgrades; (iv) repairs and maintenance; (v) new connections to customers; (vi) relocations of existing connections; (vii) telephone service; (viii) billing service; and (ix) public safety; provided, however, that such

395 service quality standards shall include benchmarks for employee staff levels and employee
396 training programs for each such distribution, transmission or gas company.

397 SECTION 30. Section 1F of said chapter 164, as so appearing, is hereby amended in
398 paragraph (2) by striking the first sentence and inserting in place thereof the following:- Pursuant
399 to this paragraph, the department shall promulgate rules and regulations which shall include, but
400 not be limited to, the following provisions: (i) a requirement that all distribution companies,
401 generation companies, aggregators, marketers and suppliers notify their customers in writing of
402 the terms of their agreement to provide service at the time service is initiated; (ii) a requirement
403 that any such provider which agrees to furnish service to a new residential, commercial or
404 industrial development shall notify the relevant customer in writing of the estimated date on
405 which service shall be initiated; (iii) a formal procedure allowing a customer to file a complaint
406 against a distribution or generation company, aggregator, or supplier; and (iv) a formal dispute
407 resolution procedure developed in consultation with the Massachusetts office of dispute
408 resolution, which shall include options for mediation, arbitration, facilitation or other dispute
409 resolutions methods.

410 SECTION 31. Said section 1F of said chapter 164, as so appearing, is hereby further
411 amended in paragraph (7) by inserting after the words “service outages” the following:- , new
412 connections to customers, relocations of existing customers.

413 SECTION 32. Said section 1F of said chapter 164, as so appearing, is hereby further
414 amended by inserting at the end thereof the following new paragraph:-

415 (11) The department shall ensure that all written complaints under this section in relation
416 to new multi-family housing, as that term is defined in section 1A of chapter 40A, or low or

moderate income housing, as that term is defined in section 20 of chapter 40B, which is in development or has been completed and not yet occupied are investigated and a response to the complainant provided no later than 30 days after receipt of such complaint; provided, however, that such response may include a decision of the department to continue said investigation and the reasons therefor; and provided further, that said investigation shall be initiated by the department no later than 10 days after receipt of said complaint if said complaint concerns a failure by a distribution company, generation company, aggregator, marketer or supplier to: (i) provide the notice required in clause (ii) of paragraph (2) of this section; or (ii) show reasonable effort to adhere to the estimated date therein.

SECTION 33. Sections 6 through 8 shall take effect for all municipalities upon the effective date of this act; provided, however, that in municipalities that adopted a zoning ordinance or by-law requiring some form of site plan review prior to the effective date of this act, the provisions of this section shall not be effective with respect to such zoning ordinance or by-law until the date that is one year after the effective date of this act.

SECTION 34. The board of building regulations and standards shall update its regulations regarding building permit requirements pursuant to sections 6 and 7 of this act.