

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:

1 SECTION 1. Chapter 7 of the General Laws is hereby amended by inserting after section
2 4S the following new section:-

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

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

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

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

30 SECTION 3. Section 5A of chapter 23B of the General Laws, as appearing in the 2024
31 Official Edition, is hereby amended by striking the first paragraph and inserting in place thereof
32 the following paragraph:- There shall be within the executive office a housing appeals
33 committee, consisting of 5 members to be appointed by the secretary or their designee, of whom
34 1 shall be an officer or employee of the executive office or any agency or division within the
35 executive office, and 2 members to be appointed by the governor, of whom 1 shall be a current
36 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.

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

60 Section 54B. Building Permit Requirements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

141 (c) A zoning ordinance or bylaw may establish applicability standards for projects that
142 are subject to site plan review, which may include a category of projects that are subject to a
143 minor or administrative site plan review process. The zoning ordinance or bylaw may require a
144 public hearing in accordance with section eleven for projects that meet or exceed specified
145 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

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

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

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

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

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

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

208 Each application for a special permit shall be filed by the petitioner with the city or town
209 clerk and a copy of said application, including the date and time of filing certified by the city or
210 town clerk, shall be filed forthwith by the petitioner with the special permit granting authority.
211 The special permit granting authority shall hold a public hearing, for which notice has been given
212 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

317 Land within an agricultural incentive area shall not be sold for or converted to industrial
318 or commercial use or removed from the area unless the city or town in which such land is located
319 and the department of agricultural resources on behalf of the state has been notified of the intent
320 to sell or convert to such other use or remove said land from the area; provided, however, that the
321 discontinuance of the use of such land for agricultural or horticultural purposes shall not be
322 deemed a conversion to another use. Such notice of intent shall be sent by the landowner by
323 registered mail, return receipt requested, to the mayor and city council of a city, or to the board
324 of selectmen of a town, to its planning board and conservation commission and to the
325 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

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

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

387 SECTION 29. Subsection (a) of section 1E of chapter 164 of the General Laws, as so
388 appearing, is hereby amended by striking the last sentence and inserting in place thereof the
389 following:- In promulgating such performance based rate schemes, the department shall establish
390 service quality standards for each distribution, transmission and gas company for all customer
391 classes. Such service quality standards shall include, but not be limited to, standards for: (i)
392 customer satisfaction; (ii) service outages; (iii) distribution facility upgrades; (iv) repairs and
393 maintenance; (v) new connections to customers; (vi) relocations of existing connections; (vii)
394 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

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

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

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