

**SENATE . . . . . No. 967**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 housing in seasonal communities.

PETITION OF:

NAME:

*Julian Cyr*

DISTRICT/ADDRESS:

*Cape and Islands*

**SENATE . . . . . No. 967**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 967) of Julian Cyr for legislation relative to housing in seasonal communities. Housing.

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**The Commonwealth of Massachusetts**

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

An Act relative to housing in seasonal communities.

*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. Subsection (a) of section 32 of chapter 23B, as appearing in section 5 of  
2 chapter 150 of the acts of 2024, is hereby amended by adding the following 2 definitions:-

3 “attainable rental housing” means attainable rental housing for year-round residents in  
4 seasonal communities; and “qualified developer” means a developer that has partnered with a  
5 school district or municipality to create affordable rental housing for school district or municipal  
6 employees.

7 SECTION 2. Subsection (d) of section 32 of chapter 23B, as appearing in section 5 of  
8 chapter 150 of the acts of 2024, is hereby amended by adding the following 4 clauses:-

9 (vi) create and fund a right of first refusal program for properties subject to foreclosure  
10 proceedings pursuant to Chapter 244 of the General Laws;

11 (vii) establish a bifurcated or progressive property tax rate on real property classified as  
12 class one, residential property as defined under this chapter for the purposes of administering

13 different property tax rates to such class one, residential properties based on whether said  
14 properties are occupied on a year-round basis or subject to periods of vacancy, provided that the  
15 commissioner of revenue shall, as needed, adjust the minimum residential factor under section  
16 1A of Chapter 58;

17 (viii) increase the local sales tax upon the sale of restaurant meals under section 2 of  
18 chapter 64L to 1.5 per cent of the gross receipts of the vendor from the sale of restaurant meals,  
19 provided that the resulting surplus shall be used to fund attainable housing for year-round  
20 residents;

21 (ix) create a housing contribution program under which the municipality may require for-  
22 profit real estate developers to: (A) allocate no more than 3 of units in new or significantly  
23 enlarged buildings that contain 10 or more units for attainable housing for year-round residents;  
24 (B) pay a per-unit fee for any new project creating more than 10 units, provided that said fee  
25 shall not be more than \$7,500 for projects constructing between 11 and 20 units and not more  
26 than \$15,000 for projects constructing more than 20 units, provided further that such funds must  
27 be directed to the year-round housing trust fund to support the development and preservation of  
28 attainable housing for year-round residents, and provided further than such real property subject  
29 to this subsection shall be eligible for tax increment exemptions; and

30 SECTION 3. Subsection (e) of section 32 of chapter 23B, as appearing in section 5 of  
31 chapter 150 of the acts of 2024, is hereby amended by adding the following 2 clauses:-

32 (iii) adopt by-laws or zoning ordinances that provide for no less than 1 district of  
33 reasonable size in which small scale, year-round housing is permitted as of right;

34 (iv) adopt by-laws or zoning ordinances that permit any property that meets the minimum  
35 square footage for habitability under the state sanitary code and has bathrooms and kitchen  
36 facilities to be used as year-round housing, including but not limited to rooms in a hotel, motel,  
37 or motor inn, regardless of any municipal bylaw that imposes a higher minimum square footage  
38 than the state sanitary code for year-round habitability.

39 SECTION 4. Subsection (f) of section 32 of chapter 23B, as appearing in section 5 of  
40 chapter 150 of the acts of 2024, is hereby amended by inserting after the word “may” the  
41 following words:- : (i)

42 SECTION 5. Subsection (f) of section 32 of chapter 23B, as appearing in section 5 of  
43 chapter 150 of the acts of 2024, is hereby amended by inserting the following words:- and (ii) the  
44 minimum threshold of the circuit breaker tax credit in paragraph (k)(3)(iii) in section 6 of chapter  
45 62, provided that the threshold may not be more than the median county home price.

46 SECTION 6. Section 32 of chapter 23B, as appearing in section 5 of chapter 150 of the  
47 acts of 2024, is hereby amended by striking out subsection (h) and inserting in place thereof the  
48 following 4 subsections:

49 (h) A seasonal community designated pursuant to this section shall not treat adjacent lots  
50 under common ownership as a single lot for local zoning purposes, if the lots, at the time of  
51 recording or endorsement, conformed to the municipality’s then-existing requirements of area,  
52 frontage, width, yard or depth and is located in a zoning district that allows for single-family  
53 residential use, provided that any residential housing constructed on said lot shall be used for  
54 year-round attainable housing.

55 (i) The executive office, or any division therein, may enter into long-term financing  
56 agreements with school districts, municipalities and qualified developers for the creation of  
57 affordable rental housing for municipal employees. Payment on a finance agreement under this  
58 section shall be deferred until the affordable rental housing that is financed is put into service and  
59 the school district or municipality begins collecting rent from the occupants of that affordable  
60 rental housing.

61 (j) A seasonal community shall, for properties that contains three (3) or less units subject  
62 to sale under section 37 of chapter 60 and are located within said seasonal community, have a  
63 right of first refusal to acquire the tax lien at tax sale, and may assist the owner to discharge the  
64 lien or take title and acquire the property in its own name pursuant to regulations to be developed  
65 by the corporation, consistent with its purposes. Said seasonal community shall notify the  
66 collector of its intention to exercise this right no later than 10 days before the date of sale or any  
67 adjournment of the sale. Failure of the seasonal community to notify the collector as provided  
68 herein shall extinguish the right of first refusal under this section.

69 (k) The executive office shall promulgate regulations to carry out this section.

70 SECTION 7. Section 5 of chapter 40A, as appearing in the 2022 Official Edition, is  
71 hereby amended by inserting after the word 40R, in line XX, the following words:-

72 (5) the adoption or modification of bylaws or zoning ordinances that contribute to the  
73 creation of attainable housing for year-round residents in municipalities designated by the  
74 executive office as seasonal communities pursuant to section 32 of chapter 23B.

75 SECTION 8. Section 6 of chapter 40A, as amended by section 10 of chapter 150 of the  
76 acts of 2024, is hereby amended by striking out the word “less”, in the last sentence, and  
77 inserting in place thereof the following word:- more

78 SECTION 9. Section 20 of chapter 40B, as appearing in the 2022 Official Edition, is  
79 hereby amended by inserting after the word “organization”, in line XX, the following words:-  
80 provided that, under this section, property subject to year-round housing occupancy restrictions  
81 pursuant to section 32(d)(i) of chapter 23B and housing designated for public employees  
82 pursuant to section 32(d)(ii) of chapter 23B shall be included as community housing in  
83 municipalities designated by the executive office of housing and livable communities as seasonal  
84 communities under section 32(b) of chapter 23B.

85 SECTION 10. Section 6 of chapter 40Y, as so appearing, is hereby amended by striking  
86 out, in line 6, the words “subsection (a) of section 9 of chapter 40R” and inserting in place  
87 thereof the following words:- under this section

88 SECTION 11. Section 6 of chapter 40Y, as so appearing, is hereby amended by striking  
89 out the word “\$3,000”, in line 7, and inserting in place thereof the following word:- “\$10,000

90 SECTION 12. Section 6 of chapter 40Y, as so appearing, is hereby amended by inserting  
91 the following words:-

92 The commonwealth shall pay from the trust fund or other funds from appropriations or  
93 other money authorized by the general court a zoning incentive payment, according to the  
94 following schedule:

95 Projected Units of %

96 New Construction %Payment

97 Up to 20 %\$20,000

98 21 to 100 %\$150,000

99 101 to 200 %\$400,000

100 201 to 500 %\$700,000

101 501 or more %\$1,200,000

102 Subject to any conditions imposed by the department as a condition of approving a starter  
103 home zoning district, the zoning incentive payment shall be payable upon confirmation of  
104 approval of the district by the department. The projected number of units shall be based upon the  
105 zoning adopted in the starter home zoning district.

106 SECTION 13. Section 2 of chapter 44, as so appearing, is hereby amended by inserting  
107 after the words “housing”, in line 21, the following words:-, and, in municipalities designated as  
108 seasonal communities pursuant to section 32 of chapter 23B, attainable year-round housing as  
109 defined under said section 32.

110 SECTION 14. Section 6 of chapter 44, as so appearing, is hereby amended by inserting  
111 after the words “community housing”, in line 7, the following words: , provided that in  
112 municipalities designated as seasonal communities pursuant to section 32 of chapter 24B shall  
113 not spend less than 30 per cent of the annual revenues for community housing.

114 SECTION 15. Section 6 of chapter 44B of the General Laws, as so appearing, is hereby  
115 amended by inserting after the word “purpose”, in line 23, the following words:-

116 “; provided, however, that funds for open space or historic preservation that have not  
117 been expended for not less than three consecutive fiscal years may be transferred by the chief  
118 executive authority of the municipality for community housing, waste water infrastructure or  
119 water infrastructure by a majority vote of the legislative body”

120 SECTION 16. Notwithstanding any general or special law to the contrary, the department  
121 of housing and economic development shall give special consideration to the following relative  
122 to counting otherwise non-qualified projects as part of the overall percentage for a municipality  
123 for the purposes of their subsidized housing inventory: (i) 1 bedroom housing units in  
124 municipalities that can demonstrate their low income housing needs are not limited to 2, 3 and 4  
125 bedroom units; (ii) projects in seasonal communities with an average home price that is 100 per  
126 cent greater than the statewide median home price; (iii) covenant housing within the town of  
127 Nantucket; and (iv) developments of low-income units in bordering municipalities or a distinct  
128 geographic region where both municipalities have invested community preservation act funds or  
129 funds from a municipal housing trust.