SENATE DOCKET, NO. 890 FILED ON: 1/20/2011

SENATE . . . . . No. 1039

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 ammending the subsidized housing inventoy for the town of Hanover.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	

SENATE DOCKET, NO. 890 FILED ON: 1/20/2011

SENATE . . . . . No. 1039

By Mr. Kennedy, petition (accompanied by bill, Senate, No. 1039) of Kennedy for legislation to amend the subsidized housing inventory for the town of Hanover [Joint Committee on Municipalities and Regional Government].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2539* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act ammending the subsidized housing inventoy for the town of Hanover.

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. Amendment to Subsidized Housing Inventory.

Notwithstanding any general or special law, state agency regulations or guidelines to the contrary, the count of Low or Moderate Income Housing units in the Subsidized Housing Inventory (SHI), as defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing) shall include for the Town of Hanover, Massachusetts any and all units in the Town which have been constructed for, or are occupied by the students of, any non-profit or educational institution, without limitation, including Cardinal Cushing Centers, Inc., and which have been constructed utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts

11 Development Finance Agency (MassDevelopment) as such Agency is established and defined in
12 Massachusetts General Laws (MGL) Chapter 23G.

13 Notwithstanding any general or special law to the contrary, the Town of Hanover shall
14 receive full credit on the Subsidized Housing Inventory (SHI) as one unit of Low or Moderate
15 Income Housing for each individual unit room within each building constructed since 2000
16 utilizing funds obtained through a Tax-Exempt 501(c)(3) Bond approved by the Massachusetts
17 Development Finance Agency (MassDevelopment). For the calendar year 2010 and each
18 calendar year thereafter the Town of Hanover shall receive full credit on the Subsidized Housing
19 Inventory (SHI), as one unit of Low or Moderate Income Housing each, for no less than sixty-six
20 (66) individual units, which is the number of unit rooms constructed and available for occupancy
21 at the Cardinal Cushing School operated by Cardinal Cushing Centers, Inc., in accordance with
22 this Section.

23 Any additional qualifying units of Low or Moderate Income Housing established for the
24 Subsidized Housing Inventory (SHI) of the Town of Hanover, Massachusetts pursuant to this Act
25 shall be in addition to any units otherwise qualifying for the purposes of Massachusetts General
26 Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any
27 regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive
28 Permit; Low or Moderate Income Housing)

29 SECTION 2. Relation to Existing Statutes and Regulations.

30 If any provision of this Act conflicts with any provisions of any general or special law,
31 state agency regulations or guidelines, the provisions of this Act shall govern.

32 SECTION 3. Requirements for State Agencies.

It shall be the responsibility of the Department of Housing and Community Development (DHCD), as such Agency is established and defined in Massachusetts General Laws (MGL) Chapter 23B, and the Housing Appeals Committee (HAC), as such Agency is established and defined in Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing) to update and maintain an accurate count of Low or Moderate Income Housing units in the Subsidized Housing Inventory (SHI) for the Town of Hanover, Massachusetts in accordance with this Act.

Further, it shall be the responsibility of the Department of Housing and Community Development (DHCD) and the Housing Appeals Committee (HAC) to incorporate the requirements of this Act when making any determinations or taking any actions under Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing), relative to the Subsidized Housing Inventory (SHI) for the Town of Hanover, Certification of Compliance with Hanover's Affordable Housing Plan (AHP) Production, and any appeals or requests for determination, including but not limited to whether any decision of the Town of Hanover Zoning Board of Appeals (ZBA) is "consistent with local needs." If the Subsidized Housing Inventory (SHI) for the Town of Hanover, as defined by Massachusetts General Laws (MGL) Chapter 40B, Sections 20-23 (Low and Moderate Income Housing) and any regulations adopted pursuant thereto, including, but not limited to 760 CMR 56 (Comprehensive Permit; Low or Moderate Income Housing) and as amended by this Act exceeds ten percent (10%), any decision of the Town of Hanover Zoning Board of Appeals (ZBA) shall be deemed "consistent with local needs" and

56 shall be upheld by the Department of Housing and Community Development (DHCD) and the

57 Housing Appeals Committee (HAC) accordingly.

58 SECTION 4. Effective Date.

59 This Act shall take effect upon its passage by the General Court.