

Massachusetts House of Representatives Bill Summary

Bill #: H.2301

Title: An Act relative to zoning voting thresholds

Sponsor: Rep. Kristin Kassner

Committee: Municipalities and Regional Government

Hearing Date: July 22, 2025

Prior History: Similar to H.3552 (2023-2024 Study)

Current Law: Chapter 40A of MGL is commonly known as the Zoning Act. Section 5 of MGL states the law relative to the adoption or change of zoning ordinances or by-laws and procedure.

Chapter 358 of the Acts of 2020 included a series of revisions to Chapter 40A of MGL, which applies to 350 cities and towns across the state.

Section 19 of this special act amended Section 5 of Chapter 40A of MGL by striking out the fifth paragraph and inserting new language. This new language holds that no zoning ordinance, by-law, or amendment shall be adopted or changed except by a two-thirds vote of all members of the town or city council where there is a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting. The new language also lists the zoning amendments that only require a simple majority of a single branch, of each branch where there are two branches, or a by a town meeting. These include:

- Amendments that allow multifamily housing or mixed-used development in an eligible location, accessory dwelling units, or open-space residential development
- Amendments that allow by special permit multifamily housing or mixed-used development in an eligible location, an increase in the permissible density of population or intensity of a particular use in multi-family or mixed-used development, accessory dwelling units in a detached structure on the same lot, or a decrease in the amount of parking required for residential or mixed-use development
- Amendments that provide for the transfer of development rights (TDR) zoning or natural resource protection zoning where the adoption promotes concentration of development in areas deemed most appropriate but won't decrease the maximum

number of housing units that could be developed, or modify regulations concerning the bulk and height of structures, yard sizes, lot area, setbacks, open space, parking and building coverage requirements

- Adoptions of a smart growth zoning district or starter home zoning district

The City of Boston operates under its own enabling act.

Summary:

This legislation amends Chapter 40A Section 5 of MGL by striking out the fifth paragraph and inserting new language that holds that no zoning ordinance or by-law or amendment shall be adopted or changed except by a 2/3 vote of all members of a town council, city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a 2/3 vote of a town meeting. This new language also holds that except that the voting majority may be changed to a simple majority vote, such change shall be made by the voting majority then in effect and shall not become effective until 6 months have elapsed after the vote.

Notes:

This language differs from that of last session's bill (H.3552) by removing the provision concerning a petition process to block the change in a city or town with less than 25 council members. The specific language that was removed from H.3552 stated "However, should a city or town have less than 25 council members, a written petition signed by the owners of at least 20% or more of the affected area may be submitted to the clerk before the final action of the town or city council. This petition may block said change unless the change is approved by a 2/3 vote of all members."