

## **Massachusetts House of Representatives Bill Summary**

**Bill #:** H.2356

**Title:** An Act incentivizing inclusionary zoning

**Sponsor:** Rep. Christopher Worrell

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 29, 2025

**Current Law:** Article 60 of the Amendments to the Massachusetts Constitution states that the general court shall have power to limit buildings according to their use or construction to specified districts of cities and towns.

Chapter 40A of the Mass. General Laws is the State Zoning Act. Section 3 lists the subjects which zoning may not regulate. Section 5 governs the procedure for adoption or change of zoning ordinances and bylaws. The planning board holds a public hearing to review a proposed zoning ordinance or bylaw. Notice procedures in the law include provisions for notifying nonresident property owners and the Executive Office of Housing and Livable Communities and, if applicable, the Farmland Advisory Board. After the hearing, a recommendation from the planning board is then transmitted to the city council or town meeting for consideration and action. Unless otherwise specified in the law for particular types of zoning regulation, votes to adopt or amend a zoning ordinance or bylaw require a two-thirds vote of the city/town council or town meeting. Changes take effect upon the approval and subsequent publication of the zoning ordinance or bylaw in the local newspaper.

**Summary:** This legislation would add a new clause in paragraph 5 of Section 5 of Chapter 40A which would require only a simple majority vote to approve an inclusionary zoning ordinance or by-law that requires not more than 13 percent of housing units to be affordable.

Such an ordinance or by-law could not unduly constrain housing production in the area being impacted by the inclusionary zoning ordinance or by-law, which would also require a density bonus.

The legislation authorizes the Executive Office of Housing and Livable Communities to issue guidelines or promulgate regulations consistent with the legislation to help implement its provisions.