

**Massachusetts House of Representatives
Bill Summary**

Bill #: H.4020

Title: An Act relative to owner occupancy requirement for accessory dwelling units

Sponsor: Rep. Patrick Kearney

Committee: Municipalities and Regional Government

Hearing Date: July 29, 2025

Similar matters: H.4021 also deals with the subject of owner occupancy requirements for accessory dwelling units.

Current Law: MGL Chapter 40A, Section 3 pertains to subjects which local zoning ordinances and bylaws may not regulate.

Section 8 of Chapter 150 of the Acts of 2024 amended Section 3 of the Zoning Act by adding a paragraph which states that a zoning ordinance or bylaw shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single family residential zoning district, subject to reasonable regulations (310 CMR 15.000) if applicable, site plan review, regulations concerning dimensional setbacks and the bulk and height of structures, and subject to regulations on short-term rentals. Use of such land or structures shall not require owner occupancy, but the number of additional parking spaces is restricted. If more than 1 accessory dwelling unit is involved, then a special permit is needed. The Executive Office of Housing and Livable Communities is authorized to issue guidelines or promulgate regulations to implement the provisions of this section.

Summary: This legislation adds language to the last paragraph of Section 3, as amended, containing a proviso that the accessory dwelling unit must be primarily used as a secondary residential unit within the same property for use by the owner or family members and to promote affordable housing.