

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

**Bill #:** H.4021

**Title:** An Act relative to municipal housing requirements

**Sponsor:** Rep. Angelo Puppolo

**Committee:** Municipalities and Regional Government

**Hearing Date:** July 29, 2025

**Similar**

**matters:** H.4020 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 no zoning ordinance or bylaw shall 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 (ADU) 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.

The second sentence states that the use of land or structures for an accessory dwelling unit shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling; provided, that not more than 1 additional parking space shall be required for an accessory dwelling unit; and no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.

If more than 1 ADU is involved, then a special permit is needed. The Executive Office of Housing and Livable Communities may issue guidelines or promulgate regulations to implement the provisions of this section.

Section 20 of MGL Chapter 40B defines low or moderate income housing as any housing subsidized by the federal or state government under any program to assist the construction of low or moderate income housing as defined in the applicable federal or state statute, whether built or operated by any public agency or any nonprofit or limited dividend organization.

**Summary:**

Section 1 of the legislation adds language to Section 3 of Chapter 40A limiting the ability of local officials to prohibit, restrict or require special approval for accessory dwelling units to those municipalities that have less than 10 percent low- or moderate-income housing.

Section 2 amends another section of the law by replacing the current prohibition against requiring owner occupancy with new language that would allow the municipality to decide whether the use of land or structures for accessory dwelling units will require owner occupancy of either the ADU or the principal dwelling. It would also give municipalities the discretion to determine how many additional parking spaces would be required for each accessory dwelling unit.