

HOUSE No. 1128

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

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 relative to affordable housing in the town of West Boylston.

PETITION OF:

NAME:

James J. O'Day

DISTRICT/ADDRESS:

14th Worcester

HOUSE No. 1128

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 1128) of James J. O'Day (by vote of the town) relative to affordable housing in the town of West Boylston. Housing. [Local Approval Received.]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3652 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to affordable housing in the town of West Boylston.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section I. Notwithstanding the provisions of sections 20 through 23 of chapter 40B of the
2 General Laws, or of any other general or special law or state regulation to the contrary, the
3 determination of whether the Town of West Boylston has low or moderate income housing in
4 excess of ten per cent of the total housing units reported in the latest federal decennial census for
5 the Town of West Boylston for purposes of section 20 of said Chapter 40B, which determination
6 is reflected in a list known as the Subsidized Housing Inventory ("SHI") as maintained by the
7 Massachusetts Department of Housing and Community Development or by a successor
8 department regardless of its name, shall be calculated as follows. As of the date an approval
9 decision is filed with the West Boylston Town Clerk and through and including the expiration
10 date of the decision as provided by applicable statute or regulation and any extension of such

11 decision granted by action of the Town or the General Court, the SHI shall include all of the
12 following:

13 1. Any affordable housing unit approved under any local zoning provision under G.L.

14 c.40A, including a so-called Local Initiative Program project, provided that the affordable
15 unit shall be required to have a permanent deed restriction to restrict occupancy or ownership of
16 the unit to an "Income Eligible Household" as presently defined under the Department's
17 regulations at 760 CMR 56.02;

18 2. Any affordable housing unit in a home ownership project approved under G.L. c.40B

19 or

20 G.L. c.40R; and

21 3. Any rental housing unit in a rental project approved under G.L. c.40B or G.L. c.40R.

22 Provided further that if any such approval decision is appealed, the unit or units at issue
23 shall continue to be listed on the SHI unless and until the approval decision is finally overturned
24 by a court of competent jurisdiction.

25 Section 2. This act shall apply to all housing units meeting the requirements of section 1
26 wherein the relevant approval decision was filed with the West Boylston Town Clerk on or
27 before January 1, 2000.

28 Section 3. This act shall take effect upon passage.