

HOUSE No. 1386

The Commonwealth of Massachusetts

PRESENTED BY:

David F. DeCoste

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/10/2021</i>

HOUSE No. 1386

By Mr. DeCoste of Norwell, a petition (accompanied by bill, House, No. 1386) of David F. DeCoste relative to affordable housing. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1266 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to affordable housing.

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 1. Section 20 of chapter 40B of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 2, the words “twenty-one to twenty-
3 three” and inserting in place thereof the following words:- 21 to 23B.

4 SECTION 2. Section 21 of said chapter 40B, as so appearing, is hereby amended by
5 inserting after the word “approval” , in lines 28 and 29, the following words:- ; provided
6 however, that if the decision is not favorable, prior to issuing the notice of the decision, the board
7 of appeals may issue a notice of proposed smart growth zoning district adoption. If the city or
8 town submits an application to the department of housing and community development pursuant
9 to chapter 40R within 180 days of the notice of proposed smart growth zoning district adoption,
10 or was in the process of adopting a smart growth zoning district pursuant to said chapter 40R at

11 the time the notice of proposed smart growth zoning district adoption was issued, no appeal to
12 the housing appeals committee in the department of housing and community development shall
13 be made. If a smart growth zoning district is adopted pursuant to said chapter 40R, the board of
14 appeals may propose an alternate location for the housing within the smart growth zoning district
15 within 180 days of the adoption of the district, and if the alternate location is accepted by the
16 applicant, the board shall issue a comprehensive permit or approval. If the alternate location is
17 rejected by the applicant, the board of appeals shall issue the notice of the decision and an appeal
18 may be made pursuant to section 22.

19 SECTION 3. Said chapter 40B is hereby further amended by inserting after section 23 the
20 following 2 sections:-

21 Section 23A. Units which satisfy the requirements for inclusion on the subsidized
22 housing index maintained by the department of housing and community development, shall be
23 included on the subsidized housing index upon the date the decision of approval is filed with the
24 city or town clerk, until such time as the unit no longer satisfies the requirements for inclusion on
25 the subsidized housing index or the approval, including any extension of such decision granted
26 by action of the city or town, expires; provided, that the units shall remain on the subsidized
27 housing index during the pendency of an appeal to the court, as provided in sections 21 to 23,
28 inclusive.

29 Section 23B. The department of housing and community development shall develop a
30 program to educate cities and towns on this chapter and chapter 40R. The program shall provide
31 active outreach to cities and towns who have not adopted a smart growth zoning district pursuant
32 to said chapter 40R, and shall provide education on the benefits and process of the adoption of a

- 33 smart growth zoning district, including, but not limited the impact on housing development
- 34 pursuant to this chapter.