

HOUSE No. 3963

The Commonwealth of Massachusetts

PRESENTED BY:

Lindsay N. Sabadosa

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 the housing emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>6/28/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>7/2/2023</i>

HOUSE No. 3963

By Representative Sabadosa of Northampton, a petition (accompanied by bill, House, No. 3963) of Lindsay N. Sabadosa, Mike Connolly and Vanna Howard relative to zoning and the alleviation of the housing emergency. Municipalities and Regional Government.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to the housing emergency.

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 1A of chapter 40A of the General Laws is hereby amended by
2 inserting after the definition of “As of right” the following 2 definitions:-

3 “Cottage cluster”, groupings of no fewer than 4 detached housing units per acre with a
4 footprint of less than 900 square feet each and that include a common courtyard.

5 “Duplexes”, a residential building that contains 2 dwelling units located on a single lot
6 that share a common wall, common floor or common ceiling.

7 SECTION 2. Section 1A of chapter 40A of the General Laws is hereby amended by
8 inserting after the definition of “MBTA community” the following definition:-

9 “Middle housing”, cottage clusters, duplexes, quadplexes, townhouses and triplexes.

10 SECTION 3. Said section 1A of said chapter 40A is hereby further amended by inserting
11 after the definition of “Permit granting authority” the following definition:-

12 “Quadplexes”, a residential building that contains 4 dwelling units located on a single lot
13 that share common walls, common floors or common ceilings.

14 SECTION 4. Said section 1A of said chapter 40A is hereby further amended by inserting
15 after the definition of “Special permit granting authority” the following definition:-

16 “Townhouses”, a dwelling unit constructed in a row of 2 or more attached units, where
17 each dwelling unit is located on an individual lot or parcel and shares at least 1 common wall
18 with an adjacent unit.

19 SECTION 5. Said section 1A of said chapter 40A is hereby further amended by inserting
20 after the definition of “Transfer of development rights zoning” the following definition:-

21 “Triplexes” or “Triple deckers”, a residential building that contains 3 dwelling units
22 located on a single lot that share common walls, common floors or common ceilings.

23 SECTION 6. Section 3 of said chapter 40A is hereby amended by adding the following 2
24 paragraphs:-

25 No zoning ordinance or by-law shall prohibit the development of multi-family housing.

26 No zoning ordinance or by-law shall impose additional approval standards or
27 requirements on government-assisted housing that aren't applied to similar but unassisted
28 housing.

29 SECTION 7. Said chapter 40A is hereby further amended by inserting after section 3A
30 the following section:-

31 Section 3B. (a) A municipality with a population more than 2,500 persons, based on the
32 last federal decennial census, shall adopt a zoning ordinance or by-law that provides for the
33 development of an accessory dwelling unit, as of right, on each lot or parcel zoned for residential
34 use as of January 1, 2023 that allows for the development of detached single-family dwellings.
35 Nothing in this subsection shall prohibit a municipality from the development of middle housing
36 in addition to accessory dwelling units.

37 (b) A municipality with a population of 10,000 or more persons and less than 25,000
38 persons, based on the last federal decennial census, shall adopt a zoning ordinance or by-law that
39 provides for the

40 development of a duplex, as of right, on each lot or parcel zoned for residential use as of
41 January 1, 2023 that allows for the development of detached single-family dwellings. Nothing in
42 this subsection shall prohibit a municipality from the development of middle housing in addition
43 to duplexes.

44 (c) A municipality with a population of 25,000 or more persons, based on last federal
45 decennial census, shall adopt a zoning ordinance or by-law that provides for the construction of
46 middle housing, as of right, in any area zoned for residential use as of January 1, 2023.

47 (d) A municipality that provides for the construction of middle housing may regulate the
48 siting and design of middle housing required to be permitted under this section; provided, that
49 the regulations do not, individually or cumulatively, discourage the development of all middle
50 housing types permitted in the area through unreasonable costs or delay. Municipalities may
51 regulate middle housing to comply with protective measures adopted pursuant to statewide land
52 use planning goals.

53 (e) The executive office of housing and livable communities may grant an extension to
54 the requirements of subsections (a) through (d) under this section. The extension may only be
55 applied to specific areas where the municipality has identified water, sewer, storm drainage or
56 transportation services that are either significantly deficient or are expected to be significantly
57 deficient and for which the municipality has established a plan of actions that will remedy the
58 deficiency in those services; provided, that is approved by the executive office. The extension
59 may not extend beyond the date that the municipality intends to correct the deficiency under the
60 plan.

61 (f) Annually, each municipality in the commonwealth shall submit a report to the
62 executive office of housing and livable communities explaining how the municipality plans to
63 meet its share of needed housing capacity, as determined by its regional planning agency
64 pursuant to section 31 of chapter 40B, and how new housing construction can meet that goal.

65 (g) Each municipality in the commonwealth shall review local, regional, state and federal
66 assistance to make housing construction affordable and feasible including but not limited to:
67 grants, loans, rental assistance, tax credits, tax abatements, tax increment financing, bonds,
68 mortgage financing, mortgage insurance, assistance pursuant to any government program or any
69 other form of construction assistance.

70 (h) Annually, a municipality with 10,000 or more persons, based on the last federal
71 decennial census, shall submit a report to the executive office of housing and livable
72 communities with the number of housing units permitted under this section, broken down by
73 type of housing.

74 (i) Subject to appropriation, each fiscal year the executive office shall receive and
75 expend, in addition to any other grant or appropriation from the commonwealth or the federal
76 government, \$2,000,000 for technical assistance for municipalities to administer this section and
77 develop guidance for the construction of middle housing.

78 SECTION 8. Chapter 40B of the General Laws is hereby amended by adding the
79 following section:-

80 Section 31. (a) The board of executive directors of the Massachusetts association of
81 regional planning agencies shall develop a housing needs plan to be submitted annually by each
82 regional planning agency to the executive office of housing and livable communities.

83 (b) The model plan shall direct each regional planning agency to conduct an evaluation of
84 its member cities' and towns' housing needs using economic and demographic data to determine:

85 (i) the housing needs that their region will face, including projected growth over the next 20
86 years; (ii) how much housing each municipality would need to reasonably contribute to meet that
87 capacity; (iii) how much buildable land their region has, and what new buildable land they could
88 acquire to help meet their needs.

89 (c) The executive office of housing and livable communities shall promulgate rules and
90 regulations to implement the purposes of this section.

91 SECTION 9. Notwithstanding any general or special law to the contrary, the board of
92 building regulations and standards, in coordination with executive office of housing and livable
93 communities, shall review all building codes that might hinder the rehabilitation of single-family
94 residential dwellings into middle housing as that term is defined in section 1A of chapter 40A of

95 the General Laws, and to amend the building code to make it easier to convert buildings into
96 middle housing.

97 The review shall be filed by the board with the clerks of the house of representatives and
98 the senate no later than June 30, 2024.