

**SENATE . . . . . No. 2530**

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**The Commonwealth of Massachusetts**

—  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
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SENATE, February 5, 2020.

The committee on Housing to whom was referred the petition (accompanied by bill, Senate, No. 789) of Julian Cyr for legislation relative to attainable housing in seasonal communities, reports recommending that the accompanying bill (Senate, No. 2530) ought to pass.

For the committee,  
Brendan P. Crighton

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to attainable housing in seasonal communities.

*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 6 of chapter 44B is hereby amended by inserting after the word  
2 “purpose”, in line X, the following words:- “; provided, however, that funds for open space or  
3 historic preservation that have not been expended for not less than three consecutive fiscal years  
4 may be transferred by the chief executive authority of the municipality for community housing,  
5 waste water infrastructure or water infrastructure by a majority vote of the legislative body”

6           SECTION 2. Section 1A of chapter 40, as appearing in the 2016 Official Edition, is  
7 hereby amended by adding the following definition:-

8           “Tiny house”, a detached structure containing a dwelling unit with no more than 600  
9 square feet, excluding the area of any floor level located above the main floor, intended for year  
10 round occupancy that meets the requirements of chapter 143, and may include single-room  
11 structures, and which is built on either a permanent foundation or on a chassis that is suitable for  
12 registration for transport on public highways of the state.

13 SECTION 3. Section 3 of chapter 40A, as appearing in the 2016 Official Edition, is  
14 hereby amended by adding the following paragraph:-

15 “A municipality that permits accessory dwelling units pursuant to this section shall  
16 permit a tiny house as a detached accessory dwelling unit; provided, however, that such land or  
17 structures may be subject to reasonable regulations concerning dimensional setbacks, screening  
18 and the bulk and height of structures; provided, however, that a tiny house used for habitation  
19 shall be connected to a public water system or a private well, and to a public sewer system or a  
20 subsurface wastewater disposal system that has been approved by the Massachusetts department  
21 of environmental protection. A zoning ordinance or by-law may require that the principal  
22 dwelling or the accessory dwelling unit be continuously owner-occupied and may limit the total  
23 number of accessory dwelling units in the municipality to not less than 5 per cent of the total  
24 non-seasonal single-family housing units in the municipality.”

25 SECTION 4. Chapter 40, as appearing in the 2016 Official Edition, is hereby amended by  
26 inserting, after section 60B, the following section:-

27 60C. A city or town, by vote of its town meeting, town council or city council, with the  
28 approval of the mayor where required by law, on its own behalf or in conjunction with one or  
29 more cities or towns, may exempt from property taxation, under chapter 59, a dwelling unit that  
30 is rented on a yearly basis, and occupied year-round, for an amount not to exceed 150 per cent  
31 the fair market rent established by the United States Department of Housing and Urban  
32 Development for the metropolitan statistical area. The owner of a dwelling qualifying for  
33 exemption under this section shall submit to the municipality or its agent documentation,  
34 including but not limited to a signed lease, necessary to confirm the eligibility of the rental.

35           The amount of the exemption shall be determined by the municipality, but shall not  
36 exceed an amount equal to the tax otherwise owed on the property based on the assessed value of  
37 the property, including accessory dwelling units, multiplied by the square feet of the living space  
38 of all dwelling units on the property that qualify under this section, divided by the total square  
39 feet of structures on the property.

40           SECTION 5. Section 3 of chapter 40A of the General Laws, as appearing in the 2016  
41 Official Edition, is hereby amended by adding the following paragraph:-

42           No zoning ordinance or by-law shall prohibit or require a special permit for the use of  
43 land or structures for an accessory dwelling unit located internally within a single-family  
44 dwelling or the rental thereof on a lot not less than 5,000 square feet or on a lot of sufficient area  
45 to meet the requirements of title 5 of the state environmental code established by section 13 of  
46 chapter 21A, if applicable; provided, however, that such land or structures may be subject to  
47 reasonable regulations concerning dimensional setbacks, screening and the bulk and height of  
48 structures. The zoning ordinance or by-law may require that the principal dwelling or the  
49 accessory dwelling unit be continuously owner-occupied and may limit the total number of  
50 accessory dwelling units in the municipality to not less than 5 per cent of the total non-seasonal  
51 single-family housing units in the municipality. Not more than 1 additional parking space shall  
52 be required for an accessory dwelling unit; provided, however, that, if parking is required for the  
53 principal dwelling, that parking shall be retained or replaced. Exterior alterations of the principal  
54 dwelling to allow separate primary or emergency access to the accessory dwelling unit shall be  
55 allowed without a special permit if such alterations are within applicable dimensional setback  
56 requirements. Nothing in this paragraph shall authorize an accessory dwelling unit to violate or  
57 avoid compliance with the building, fire, health or sanitary codes, historic or wetlands laws,

58 ordinances or by-laws or title 5 of the state environmental code established by said section 13 of  
59 said chapter 21A, if applicable. This section shall not limit a city or town’s authority to prohibit  
60 or restrict use of an accessory dwelling unit as a short-term rental.

61 SECTION 6. Chapter 23B is hereby amended by adding the following section:-

62 Section 31. (a) For purposes of this section:

63 “Affordable rental housing” means housing that serves persons with a household income  
64 of less than 120 per cent of median income for a municipality; and

65 “Qualified developer” means a developer that has partnered with a school district or  
66 municipality to create affordable rental housing for school district or municipal employees.

67 (b)The department, or any division within the department, may enter into long-term  
68 financing agreements with school districts, municipalities and qualified developers for the  
69 creation of affordable rental housing for municipal employees.

70 (c) Payment on a finance agreement under this section shall be deferred until the  
71 affordable rental housing that is financed is put into service and the school district or  
72 municipality begins collecting rent from the occupants of that affordable rental housing.

73 SECTION 7. Chapter 60 of the General Laws is hereby amended by inserting, after  
74 section 37B, the following section:-

75 Section 37C. A property subject to sale under section 37 of this chapter that contains  
76 three (3) or less units, the department of housing and community development, shall have a right  
77 of first refusal to acquire the tax lien at tax sale, and may assist the owner to discharge the lien or  
78 take title and acquire the property in its own name pursuant to regulations to be developed by the

79 corporation, consistent with its purposes. The corporation shall notify the collector of its  
80 intention to exercise this right no later than 10 days before the date of sale or any adjournment of  
81 the sale. Failure of the corporation to notify the collector as provided herein shall extinguish the  
82 right of first refusal under this section.

83 SECTION 8. Chapter 59 of the General Laws is hereby amended by inserting after  
84 section 5N the following section:-

85 Section 5O. In any city or town which accepts this section, the board of selectmen of a  
86 town, or in a municipality having a town council form of government, the town council or the  
87 mayor, with the approval of the city council in a city, may establish a property tax exemption for  
88 low- or moderate-income households.

89 For purposes of this section: (a) a low-income shall mean a household income of less  
90 than 80 per cent of the median household income in the municipality, as established by the  
91 published income guidelines for the United States Department of Housing and Urban  
92 Development for the metropolitan statistical area; (b) a moderate-income shall mean an income  
93 between 80 per cent and 120 per cent of the median household income, as established by the  
94 published income guidelines United States Department of Housing and Urban Development for  
95 the metropolitan statistical area.

96 A municipality shall have the power to create local rules and procedures for  
97 implementing this section in a way that is consistent with the intent of this section.

98 SECTION 9. Notwithstanding any general or special law to the contrary, a special  
99 commission is hereby established for the purposes of making an investigation and study relative  
100 to the impact of the state building code, fire code, health code, and sanitary code on the

101 availability of affordable housing in the Commonwealth and to whether or not the building code,  
102 fire code, health code, or sanitary code may be amended to promote the development of housing  
103 that is affordable for a majority of residents. The commission shall consist of: 2 members of the  
104 senate to be appointed by the president of the senate; 2 members of the house to be appointed by  
105 the speaker of the house; and 6 persons appointed by the governor, 1 of whom shall be a  
106 representative of the Home Builders and Remodeler's Association of Massachusetts, 1 of whom  
107 shall be a representative of the Massachusetts Association of Realtors, 1 of whom shall be a  
108 representative of MassHousing, 1 of whom shall be a representative of the department of housing  
109 and community development, 1 of who shall be a representative of the Building Code  
110 Coordinating Council, 1 of whom shall be Massachusetts Association of Community  
111 Development Corporations.

112 All appointments shall be made not later than 30 days after the effective date of this act.  
113 Members shall not receive compensation for their services but may receive reimbursement for  
114 the reasonable expenses incurred in carrying out their responsibilities as members of the  
115 commission.

116 Not later than July 1, 2021, the commission shall report to the general court the result of  
117 its investigation and study and its recommendations, if any, together with drafts of legislation  
118 necessary to carry its recommendations into effect by filing the same with the clerk of the house  
119 of representatives who shall forward the same to the joint committee on housing and the joint  
120 committee on community development and small businesses.