

**SENATE . . . . . No. 2951**

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Senate, November 12, 2020 -- Substituted by amendment by the Senate (Senator Barrett) as a new draft for Senate, No. 2317

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**The Commonwealth of Massachusetts**

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

An Act authorizing the town of Concord to establish an affordable housing surcharge.

*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. (a) For the purposes of this section, "affordable housing" shall have the  
2 same meaning as defined in section 1 of chapter 60 of the General Laws.

3           (b) The town of Concord may, by by-law, require the payment of an affordable housing  
4 surcharge for any construction that: (i) requires a building permit; and (ii) exceeds a minimum  
5 construction value to be determined by the select board of the town. Any such by-law shall  
6 specify the amount of the affordable housing surcharge, the method by which the surcharge may  
7 be increased from time to time and any types of construction or uses to which the affordable  
8 housing surcharge shall not apply.

9           (c) All fees received pursuant to this act shall be deposited in the town of Concord's  
10 Municipal Affordable Housing Trust Fund established pursuant to section 55C of chapter 44 of  
11 the General Laws.

12 SECTION 2. This act shall be submitted for acceptance to the voters of the town of  
13 Concord at an annual or special election in the form of the following question: “Shall an act  
14 passed by the general court in the year 2020 entitled: ‘An Act authorizing the town of Concord to  
15 establish an affordable housing surcharge’ be accepted?”. If a majority of votes cast in answer to  
16 the question is in the affirmative, then section 1 shall take effect in the town 30 days after such  
17 acceptance but not otherwise.