

SENATE No. 00620

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 passage of the accompanying bill:

An Act regarding the method in which a city or town may meet its low or moderate income housing requirement..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

SENATE No. 00620

By Ms. Spilka, petition (accompanied by bill, Senate, No. 620) of Swan, Moore and Spilka for legislation regarding the method in which a city or town may meet its low or moderate income housing requirement [Joint Committee on Housing].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 659 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regarding the method in which a city or town may meet its low or moderate income housing requirement..

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
2 2008 Official Edition, is hereby amended by inserting after paragraph 1 the following new
3 definition:-
4 “Adjunct apartment housing”, a separate housing unit, complete with its own sleeping, cooking,
5 and sanitary facilities, that is substantially contained within the structure of a single family
6 dwelling, but functions as a separate unit.

7 SECTION 2. Paragraph (4) of section 20 of Chapter 40B of the General Laws, as
8 appearing in the 2008 Official Edition, is hereby amended by striking out the second sentence
9 and inserting in place thereof the following new sentence:-

10 Requirements or regulations shall be consistent with local needs when imposed by a board of
11 zoning appeals after a comprehensive hearing in a city or town where (1) any combination of low
12 or moderate income housing and adjunct apartment housing, exists which is in excess of ten per
13 cent of the housing units reported in the latest federal decennial census of the city or town or on
14 sites comprising one and one half per cent or more of the total land area zoned for residential,
15 commercial or industrial use or (2) the application before the board would result in the
16 commencement of construction of such housing on sites comprising more than three tenths of
17 one per cent of such land area or ten acres, whichever is larger, in any one calendar year;
18 provided, however, that land area owned by the United States, the commonwealth or any
19 political subdivision thereof, the metropolitan district commission or any public authority shall
20 be excluded from the total land area referred to above when making such determination of
21 consistency with local needs.

22 SECTION 3. Section 5 of Chapter 59 of the General Laws, as appearing in the 2008
23 Official Edition, is hereby amended by inserting after clause fifty-seventh the following new
24 clauses:-

25 Fifty-eighth. The increased value of residential real property as a result of alterations or
26 improvements thereto, not to exceed a percentage of the taxes due as shall be determined by the
27 city or town, resulting from alterations or improvements that are made to create an adjunct
28 apartment which qualifies as low or moderate income housing pursuant to section 20 of chapter

29 40B. Any exemption granted pursuant to this clause shall terminate when the premises no longer
30 meets the requirements of said section 20 of chapter 40B. This clause shall take effect upon its
31 acceptance by any city or town and shall apply only to alterations or improvements made on or
32 after the date of such acceptance by such city or town.

33 Notwithstanding any provisions of this clause to the contrary, a city or town by vote of
34 its town meeting, town council or city council with the approval of the mayor where required by
35 law, may adopt and authorize exemptions from property taxes, in accordance with this clause, for
36 a specified term not to exceed 15 years, for that portion of any parcel of real estate which is
37 certified as an affordable adjunct apartment pursuant to section 20 of chapter 40B.