

HOUSE No. 1144

The Commonwealth of Massachusetts

PRESENTED BY:

John H. Rogers

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 relative to low income housing.

PETITION OF:

NAME:

John H. Rogers

DISTRICT/ADDRESS:

12th Norfolk

HOUSE No. 1144

By Mr. Rogers of Norwood, a petition (accompanied by bill, House, No. 1144) of John H. Rogers relative to low or moderate income housing. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to low income 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 Chapter 40B of the General Laws is hereby amended by striking out section 20, as
- 2 appearing in the 2010 Official Edition, and inserting in place thereof the following section:-
- 3 Section 20. The following words, wherever used in this section and in sections twenty-one to
- 4 twenty-three, inclusive, shall, unless a different meaning clearly appears from the context, have
- 5 the following meanings:—
- 6
- 7 “Low or moderate income housing”, any housing subsidized by the federal or state government
- 8 under any program.
- 9
- 10 “Uneconomic”, any condition brought about by any single factor or combination of factors to
- 11 the extent that it makes it impossible for a public agency or nonprofit organization to proceed in
- 12 building or operating low or moderate income housing without financial loss, or for a limited
- 13 dividend organization to proceed and still realize a reasonable return in building or operating
- 14 such housing within the limitations set by the subsidizing agency of government on the size or
- 15 character of the development or on the amount or nature of the subsidy or on the tenants, rentals
- 16 and income permissible, and without substantially changing the rent levels and units sizes
- 17 proposed by the public, nonprofit or limited dividend organizations.
- 18
- 19 “Consistent with local needs”, requirements and regulations shall be considered consistent with
- 20 local needs if they are reasonable in view of the regional need for low and moderate income
- 21 housing considered with the number of low income persons in the city or town affected and the
- 22 need to protect the health or safety of the occupants of the proposed housing or of the residents
- 23 of the city or town, to promote better site and building design in relation to the surroundings, or

24 to preserve open spaces, and if such requirements and regulations are applied as equally as
25 possible to both subsidized and unsubsidized housing. Requirements or regulations shall be
26 consistent with local needs when imposed by a board of zoning appeals after comprehensive
27 hearing in a city or town where (1) low or moderate income housing exists which is in excess of
28 ten per cent of the housing units reported in the latest federal decennial census of the city or town
29 or on sites comprising one and one half per cent or more of the total land area zoned for
30 residential, commercial or industrial use or (2) the application before the board would result in
31 the commencement of construction of such housing on sites comprising more than three tenths of
32 one per cent of such land area or ten acres, whichever is larger, in any one calendar year;
33 provided, however, that land area owned by the United States, the commonwealth or any
34 political subdivision thereof, or any public authority shall be excluded from the total land area
35 referred to above when making such determination of consistency with local needs.

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37 “Local Board”, any town or city board of survey, board of health, board of subdivision control
38 appeals, planning board, building inspector or the officer or board having supervision of the
39 construction of buildings or the power of enforcing municipal building laws, or city council or
40 board of selectmen.

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