

HOUSE No. 127

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan and Linda Dorcena Forry

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 promoting accessory dwelling units.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>

<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Natalie Higgins</i>	<i>4th Worcester</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Bud Williams</i>	<i>11th Hampden</i>

HOUSE No. 127

By Representative Honan of Boston and Senator Forry, a joint petition (accompanied by bill, House, No. 127) of Kevin G. Honan and others relative to the regulation of location, dimensions or design of accessory dwelling units . Community Development and Small Businesses.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act promoting accessory dwelling units.

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 2 of chapter 40R of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the word “meanings;,” in line 2, the
3 following definitions:-

4 “Accessory dwelling unit”, a self-contained housing unit incorporated within a single-
5 family dwelling or detached accessory structure that is clearly subordinate to the single-family
6 dwelling and complies with the use, dimensional, and design requirements of the local zoning
7 ordinance or by-law.

8 “Accessory dwelling zoning district”, a zoning district adopted by a city or town pursuant
9 to this chapter that is superimposed over 1 or more zoning districts, in which a developer may
10 elect to (i) develop a project in accordance with requirements of the accessory dwelling zoning
11 district ordinance or bylaw, or (ii) develop a project in accordance with requirements of the
12 underlying zoning district.

13 SECTION 2. Said chapter 40R is hereby further amended by adding the following
14 section:-

15 Section 15. In its zoning ordinance or by-law, a city or town may adopt an accessory
16 dwelling zoning district. A proposed accessory dwelling zoning district shall permit the use of
17 accessory dwelling units as of right.

18 No zoning ordinance or by-law shall unreasonably regulate the location, dimensions, or
19 design of an accessory dwelling unit on a lot.

20 An accessory dwelling zoning district ordinance or by-law, or any amendment to or
21 repeal of such ordinance or by-law, shall be adopted in accordance with section 5 of chapter
22 40A; provided however, that an accessory dwelling zoning district ordinance or bylaw shall be
23 adopted, amended or repealed by a simple majority vote of all the members of the town council,
24 or of the city council where there is a commission form of government or a single branch, or of
25 each branch where there are 2 branches, or by a simple majority vote of a town meeting.

26 A city or town with an approved accessory dwelling zoning district shall not be eligible
27 for a zoning incentive payment or a density bonus payment pursuant to section 9, unless the
28 district meets the requirements of an approved smart growth zoning district pursuant to section 6
29 of this chapter.”.