

HOUSE No. 1406

The Commonwealth of Massachusetts

PRESENTED BY:

Bradford Hill

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 relative to local considerations for housing development.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>1/21/2021</i>

HOUSE No. 1406

By Mr. Hill of Ipswich, a petition (accompanied by bill, House, No. 1406) of Bradford Hill relative to local considerations for housing development. Housing.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to local considerations for housing development.

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 2018
2 Official Edition, is hereby amended by inserting, at the end thereof, the following new
3 definition:-

4 “Subsidizing Agency”, Any corporation, nonprofit, quasi-public agency, or department
5 charged with, or contracted for, providing financing for affordable housing in Massachusetts.

6 SECTION 2. Chapter 40B of the General Laws, as appearing in the 2018 Official
7 Edition, is hereby amended by striking section 21 in its entirety and inserting in place thereof the
8 following new section:-

9 Section 21: Affordable housing application review

10 In the review of an application to receive a comprehensive permit to build low or
11 moderate income housing, subsidizing agencies shall consider municipal infrastructure and
12 municipal resource concerns when reviewing applications, including, but not limited to, the

13 following standard considerations: environmental impacts to the municipality, changes in traffic
14 volumes or patterns, and water usage impacts. The subsidizing agency shall have the authority to
15 deny applications based off of such municipal concerns and standards.

16 SECTION 3. Chapter 40B of the General Laws, as appearing in the 2018 Official
17 Edition, is hereby amended by inserting the following new section:-

18 Section 21A: Low or moderate income housing; applications for approval of proposed
19 construction; hearing; appeal

20 Any public agency or limited dividend or nonprofit organization proposing to build low
21 or moderate income housing may submit to the board of appeals, established under section
22 twelve of chapter forty A, a single application to build such housing in lieu of separate
23 applications to the applicable local boards. The board of appeals shall forthwith notify each such
24 local board, as applicable, of the filing of such application by sending a copy thereof to such
25 local boards for their recommendations and shall, within thirty days of the receipt of such
26 application, hold a public hearing on the same. The board of appeals shall request the appearance
27 at said hearing of such representatives of said local boards as are deemed necessary or helpful in
28 making its decision upon such application and shall have the same power to issue permits or
29 approvals as any local board or official who would otherwise act with respect to such
30 application, including but not limited to the power to attach to said permit or approval conditions
31 and requirements with respect to height, site plan, size or shape, or building materials as are
32 consistent with the terms of this section. The board of appeals, in making its decision on said
33 application, shall take into consideration the recommendations of the local boards and shall have
34 the authority to use the testimony of consultants. The board of appeals shall consider municipal

35 infrastructure and municipal resource concerns when reviewing applications, including, but not
36 limited to, the following standard considerations: environmental impacts to the municipality,
37 changes in traffic volumes or patterns, and water usage impacts. The board shall have the
38 authority to deny applications based off of such municipal concerns and standards. The board of
39 appeals shall adopt rules, not inconsistent with the purposes of this chapter, for the conduct of its
40 business pursuant to this chapter and shall file a copy of said rules with the city or town clerk.
41 The provisions of section eleven of chapter forty A, shall apply to all such hearings. The board of
42 appeals shall render a decision, based upon a majority vote of said board, within forty days after
43 the termination of the public hearing and, if favorable to the applicant, shall forthwith issue a
44 comprehensive permit or approval. If said hearing is not convened or a decision is not rendered
45 within the time allowed, unless the time has been extended by mutual agreement between the
46 board and the applicant, the application shall be deemed to have been allowed and the
47 comprehensive permit or approval shall forthwith issue. Any person aggrieved by the issuance of
48 a comprehensive permit or approval may appeal to the court as provided in section seventeen of
49 chapter forty A.