

**SENATE . . . . . No. 861**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Julian Cyr*

*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 year-round housing occupancy restriction.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>1/25/2023</i>

**SENATE . . . . . No. 861**

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By Mr. Cyr, a petition (accompanied by bill, Senate, No. 861) of Julian Cyr and Sarah K. Peake for legislation relative to year-round housing occupancy restriction. Housing.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to year-round housing occupancy restriction.

*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 26 of chapter 184 of the Massachusetts General Laws is hereby  
2 amended by deleting in the eight line of the first paragraph of this section after “agricultural  
3 preservation” the following word: “and,” and inserting at the end of the eighth line of the first  
4 paragraph of this section the following words:- “and year-round housing occupancy,” and at the  
5 beginning of the eleventh line of the first paragraph of this section after “housing the following  
6 words- “year-round housing occupancy.”

7           SECTION 2. Section 31 of said chapter of the Massachusetts General Laws is hereby  
8 amended by adding after the fifth paragraph the following paragraph:- “A year-round housing  
9 occupancy restriction means a right, whether or not stated in the form of a restriction, easement,  
10 covenant, condition in any deed, mortgage, will, agreement, or other instrument executed by or  
11 on behalf of the owner of the land appropriate to (a) limiting the use of all or part of the land to  
12 residential housing occupancy by persons or families who occupy either rental or ownership  
13 housing as their primary residence for not less than 11 months during any 1-year period, or (b) in

14 any way limiting or restricting the use or enjoyment of all or any portion of the land for the  
15 purpose of encouraging or assuring creation or retention of rental and ownership housing for  
16 occupancy to persons or families who occupy either rental or ownership housing as their primary  
17 residence for not less than 11 months during any 1-year period.”

18 SECTION 3. Section 32 of said chapter of the Massachusetts General Laws is hereby  
19 amended by inserting in the tenth line of the first paragraph of this section after “low and  
20 moderate income” the following words: - “and no year-round housing occupancy restriction as  
21 defined in said section thirty-one held by any governmental body or by a charitable corporation  
22 or trust whose purposes include creating or retaining or assisting in the creation or retention of  
23 rental or ownership housing (a) for year-round occupancy by persons or families who occupy  
24 either rental or ownership housing as their primary residence for not less than 11 months during  
25 any 1-year period, or (b) for year-round occupancy for rental or ownership housing by persons or  
26 families of low or moderate income,” and by inserting in the twenty-sixth line of the first  
27 paragraph of said section after “restriction” the following words:- “or a year-round housing  
28 occupancy restriction,” and at the end of the first paragraph by adding the following words:- “or  
29 a year-round housing occupancy restriction.”

30 SECTION 4. Section 32 of said chapter of the Massachusetts General Laws is hereby  
31 amended by deleting at the end of the first line in the second paragraph of this section the  
32 following word: - “and” and inserting in the second line of the second paragraph of this section  
33 after “housing”, the following words:- “and year-round housing occupancy.”

34 SECTION 5. Section 32 of said chapter of the Massachusetts General Laws is hereby  
35 amended by striking at the end of the third line of the fifth paragraph of this section the

36 following word: - “or” and inserting in the fourth line of the fifth paragraph of this section, after  
37 “housing” the following words:- “or year-round housing occupancy restriction.”

38 SECTION 6. This act shall take effect upon its passage.