

SENATE No. 91

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 40B projects built near historical housing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>1/25/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>1/30/2017</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>2/1/2017</i>

SENATE No. 91

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 91) of Patrick M. O'Connor, David F. DeCoste, Donald F. Humason, Jr. and Ryan C. Fattman for legislation relative to 40B projects built near historical housing. Community Development and Small Businesses.

The Commonwealth of Massachusetts

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

An Act relative to 40B projects built near historical 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 SECTION 1: Section 21 of chapter 40B of the Massachusetts General laws, as appearing
2 in the 2014 Official Edition, is hereby amended by adding the following paragraph:-

3 Applications to build low or moderate income housing in an historic district as defined in
4 MGL Chapter 40C must obtain a certificate of appropriateness as outlined in Section 6 of
5 Chapter 40C. The local historic commission shall hold its hearing concurrently with the local
6 zoning board and have its conditions included in the permit. None of the conditions may be
7 appealed to the housing appeals committee as an uneconomic condition. An application may not
8 be denied based upon its location within an historic district.