

HOUSE No. 1111

The Commonwealth of Massachusetts

PRESENTED BY:

Kevin G. Honan and James B. Eldridge

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 housing production.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>

<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>

HOUSE No. 1111

By Representative Honan of Boston and Senator Eldridge, a joint petition (accompanied by bill, House, No. 1111) of Kevin G. Honan and others for legislation to establish a small-scale housing development demonstration program within the Executive Office of Housing and Economic Development . Housing.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to housing production.

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. The Executive Office of Housing and Economic Development shall create a
2 small-scale housing development demonstration program that creates no less than one thousand
3 units within four years of enactment. Small-scale development shall consist of developments
4 with less than twenty units, constructed without the use of low income housing tax credits, and
5 shall exclude housing built under Chapter 58 of the Acts of 2012.

6 SECTION 2. Section 1 of Chapter 40V of the General Laws, as appearing in the 2012
7 official edition, is hereby amended by striking out, in line 16, the words “80 per cent” and
8 inserting in place thereof, the following words:- 50 percent.

9 SECTION 3. Said section 1 of Chapter 40V of the General Laws is further amended by
10 striking out, in line 20, the words “above 110 percent” and inserting in place thereof, the
11 following words:- between 80 per cent and 120 per cent upon initial occupancy.

12 SECTION 4. Said section 1 of Chapter 40V of the General Laws is further amended by
13 striking out in line 22, the words “Qualified substantial rehabilitation expenditure, the cost of
14 substantial rehabilitation” and inserting in place thereof, the following words:- Qualified reuse
15 expenditure, the cost of reuse.

16 SECTION 5. Said section 1 of Chapter 40V of the General Laws is hereby further
17 amended by striking out in line 31, the words “Substantial rehabilitation and “substantially
18 rehabilitated”, the needed major redevelopment, repair and renovation of a property, excluding
19 the purchase of the property, as determined by the department of housing and community
20 development and inserting in place thereof, the following words:- “Reuse”, substantial
21 rehabilitation, new construction, or some combination of substantial rehabilitation and new
22 construction, excluding the purchase of the property, as determined by the department of housing
23 and community development.

24 SECTION 6. Subparagraph (iv) of subsection (a) of Section 4 of Chapter 40V of the
25 General Laws is hereby amended by striking out in line 9, the word, “80” and inserting in place
26 thereof, the following word:- 50.

27 SECTION 7. Subparagraph (vi) of subsection (a) of Section 4 of Chapter 40V the
28 General Laws is hereby amended by striking out in line 13, the words, “substantial
29 rehabilitation” and inserting in place thereof, the following word:- reuse.

30 SECTION 8. Section 5 of Chapter 40V of the General Laws is hereby amended by
31 striking out in line 5, the following words, “substantial rehabilitation” and inserting in place
32 thereof, the following word:- reuse

33 SECTION 9. Chapter 40A of the General Laws is hereby amended by adding the
34 following sections:-

35

36 Section 3A. All zoning ordinances and bylaws shall include districts in which
37 multifamily housing of two or more attached dwelling units is a permitted use as of right, within
38 two years of the effective date of this section. Such districts shall include housing without age
39 restrictions, which is suitable for families with children, and provided further, such districts shall
40 be reasonably proximate to schools, transportation and public services and shall accommodate a
41 reasonable share of regional needs for multifamily housing. Allowance of multifamily housing in
42 suitably located districts shall not preclude the establishment of low-density development zoning
43 districts to protect natural resources.

44 Section 3B. The Department of Housing and Community Development shall publish
45 guidelines which may be used to determine if a city or town has met the requirement established
46 in Section 3A. In establishing said guidelines, the Department shall consider the character of
47 communities of different sizes and regions, provided further that the Department shall promote
48 the reasonable opportunity for multifamily housing construction in each city and town by
49 incorporating the following variables into said guidelines: (1) the land area and suitability of
50 districts zoned to allow multifamily housing; (2) the location of said districts; (3) the types of
51 multifamily housing permitted; and (4) anticipated market demand for multifamily housing. A
52 city or town may elect to satisfy the requirement of Section 3A by obtaining a determination
53 from the Department of Housing and Community Development, acting directly or through a

54 regional planning agency as its designee, that the multifamily provisions of its zoning ordinance
55 or bylaw are consistent with published guidelines.

56

57 SECTION 10. Section 9 of Chapter 40A of the General Laws is hereby amended by
58 striking the sixth paragraph of Section 9 and inserting in place thereof the following:-

59 Notwithstanding any provision of this section to the contrary, zoning ordinances or by-
60 laws shall provide, on or after January 1, 2017, that cluster developments be permitted upon
61 review and approval by a planning board pursuant to the applicable provisions of sections 81K to
62 81GG, inclusive, of chapter 41 and in accordance with its rules and regulations governing
63 subdivision control.

64 SECTION 11. The Secretary of Administration and Finance and the Secretary of Housing
65 and Economic Development shall jointly submit a report to the Joint Committee on Housing
66 within one year of enactment which shall detail: (1) the net fiscal impacts of new housing needed
67 to support existing employment levels through 2040; (2) mechanisms to mitigate negative net
68 fiscal impact of new housing on Massachusetts cities and towns, including, but not limited to,
69 development impact fees, one-time incentive payments, recurring mitigation payments, or
70 changes to the current local aid formula; and (3) projections of state revenue growth to support
71 such mitigation.

72 SECTION 12. Section 2 of Chapter 40S of the General Laws, as appearing in the 2012
73 official edition, is hereby amended in line 3, by adding after the words “smart growth zoning
74 districts” the following words:-

75 Multifamily district, or cluster developments

76 SECTION 13. Section 63(a) of Chapter 23A of the General Laws, as appearing in the
77 2012 official edition, is hereby amended by adding in line 16 after the words “projects
78 supporting smart growth as defined by the state’s sustainable development principles” the
79 following words:-

80 and projects that support the production of multi-family housing in mixed-use districts
81 that are well-connected to significant employment opportunities

82 SECTION 14. Notwithstanding any law to the contrary, property owned by the
83 Commonwealth shall not be deemed surplus for purposes of disposition, unless it is offered and
84 determined to be of no use to the Department of Housing and Community Development for the
85 development of housing or mixed use development subject to the Commonwealth’s Sustainable
86 Development Principles.

87 SECTION 15. The Secretary of Economic Development, Secretary of Energy and
88 Environmental Affairs, the Secretary of Transportation, and the chief executive officer of
89 MassDevelopment shall jointly submit a report to the Joint Committee on Housing within one
90 year of enactment identifying the potential greyfields sites across the Commonwealth, options
91 for redevelopment or reuse that may include housing, public use or facilities, mixed use
92 development, or natural restoration and open space, and identify programs within the appropriate
93 state and quasi-public agencies that can be used to support communities in repurposing
94 underutilized land. For the purposes of this section, greyfields may include, but are not limited to
95 land with development that is outdated, underutilized, failing, or vacant.

96 SECTION 16. Section 4A of Chapter 40 of the General Laws, as appearing in the 2012
97 official edition, is hereby amended by adding the following paragraph after line 54 :

98

99 By a two-thirds vote of its legislative body, and in conformance with its charter, a town
100 may enter into an agreement with a contiguous town or towns to establish a regional planning
101 board, zoning board of appeals, conservation commission or board of health or, in the case of
102 towns within the same regional planning district, to delegate the functions of such a regional
103 board or boards to the regional planning agency established pursuant to section 3 of Chapter
104 40B. Such regional boards shall have the same statutory authority as if they existed within a
105 single city or town. Agreements establishing regional planning boards or regional zoning boards
106 of appeal shall be subject to approval by the Director of Housing and Community Development.
107 Agreements establishing regional conservation commissions or regional boards of health shall be
108 subject to approval by the Commissioner of Environmental Protection.

109

110 By a majority vote of their legislative bodies, and with the approval of the mayor, board
111 of selectmen or other chief elected official, any contiguous cities and towns may enter into an
112 agreement to allocate public infrastructure costs, municipal service costs and local tax revenue
113 associated with the development of an identified parcel or parcels or development within the
114 contiguous communities generally, provided that said agreement is approved by the Secretary of
115 Housing and Economic Development and by the Commissioner of Revenue.

116 SECTION 17. There is hereby established an Office of State Planning to coordinate data
117 collection, analysis and policy relating to the orderly growth and development of the

118 Commonwealth. The scope of the office shall include, but is not limited to, analysis and policy
119 relative to population, employment and business growth trends, projected transportation demand
120 and transportation capacity, projected housing demand and housing production, state and local
121 fiscal impacts of development, impacts of local zoning and land use regulation, school capacity
122 and projected enrollment, open space consumption and preservation, and natural resource
123 protection. The director of the office shall be appointed by and serve at the pleasure of the
124 governor and for administrative purposes the office may be located within an executive office
125 designated by the Governor. The work of the office shall be prioritized and coordinated by a
126 growth planning cabinet composed of the Secretaries of Housing and Economic Development,
127 Transportation, Education, and Energy and Environmental affairs or their designees. To the
128 greatest extent practicable the office shall utilize and coordinate existing technical experts within
129 the executive offices and quasi-public agencies of the Commonwealth.