HOUSE DOCKET, NO. 461 FILED ON: 1/14/2011

HOUSE . . . . . No. 384

The Commonwealth of Massachusetts

PRESENTED BY:

Theodore C. Speliotis

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 passage of the accompanying:

An Act to exclude cities and towns that adopt a housing linkage program from certain provisions of chapter 40b.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Theodore C. Speliotis	*13th Essex*

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HOUSE . . . . . No. 384

By Mr. Speliotis of Danvers, petition (accompanied by bill, House, No. 384) of Theodore C. Speliotis that cities and towns adopting a housing linkage program be exempt from certain provisions of the regional planning law. Housing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3462* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to exclude cities and towns that adopt a housing linkage program from certain provisions of chapter 40b.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 21 of chapter 40B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting, in line 1 before the word "any", the words: -- "Any community that, by majority vote of the city council or town meeting, shall be exempted from the provisions of section 22 and section 23 of chapter 40B, provided that said community elects to establish a housing linkage program. Said linkage program shall require that developers of commercial, retail, hotel, or institutional structures greater than 25,000 square feet seeking zoning relief pay a fee to construct affordable housing at a site other than the proposed development. Residential developers constructing greater than twenty units of housing shall be required to pay this fee or provide a minimum of ten percent of the units for affordable housing to be located on or off the development site.

SECTION 2. The linkage fee shall be determined by a majority vote of the city council or town meeting and shall be not less than one dollar nor greater than seven dollars per square foot. The first 25,000 square feet of construction of commercial, retail, hotel, or institutional structures shall be exempt from said fee. Developers shall have the option of paying such fee in one lump sum at the issuance of a building permit or entering into a schedule of payments not to exceed twelve years.

17 SECTION 3. The local housing linkage fund shall be administered by a seven member
18 board appointed by the mayor of a city or the town manager of a town, and shall consist of at
19 least one representative from the local housing authority to be appointed by the executive
20 director of said authority.

21 SECTION 4. The income eligibility standard for such units made available through this
22 act shall be limited to those families that meet state guidelines for Section 8 housing and
23 individuals eligible for Supplemental Security Income.