



Housing and Zoning

A Metropolitan Area Planning Council Legislative Priority

The Metropolitan Area Planning Council (MAPC) serves as the Regional Planning Agency for the people who live and work in the 101 cities and towns in the Metropolitan Boston region, which includes roughly half the state's population and two-thirds of the state's jobs.

Access to market rate and affordable housing is one of the most pressing topics discussed across our region. If we do not address our present and looming housing crisis, we will lose our economic competitiveness. At the same time, we are eager for cities and towns to achieve a series of modern zoning and permitting tools that can help them to plan for the future in a proactive manner and to mitigate the legitimate impacts of growth.

S.788 H.1277 Accessory Dwelling Units

Senate: [**"An Act promoting accessory dwelling units as housing options"**](#)
House: [**"An Act relative to accessory dwelling units"**](#)

Sponsors: Senator Julian Cyr & Representative Stephen Hay

At a time when the average household size is falling, many single-family neighborhoods have homes that are too large for present needs. Currently, local zoning makes it difficult for residents to adapt their homes by adding an accessory unit for relatives or to rent. This bill would make it easier for municipalities to allow accessory dwelling units (ADUs) within the main structure of a single-family dwelling, as long as they meet certain requirements.

S.1618 H.2463 Community Preservation Act Trust Fund

Senate: [**"An Act to preserve community preservation revenue"**](#)
House: [**"An Act to sustain community preservation revenue"**](#)

Sponsors: Senator Cynthia Stone Creem & Representative Ann Margaret Ferrante

Under the Community Preservation Act, following the approval of a local ballot initiative, communities impose a 1%-3% surcharge on property tax bills to fund projects in the areas of historic preservation, open space, recreation and affordable housing. These communities receive a matching contribution from the Commonwealth's CPA trust fund based on amount of funds raised locally. From 2002-2007, communities received 100% matching funds from the CPA trust. This year, the match was under 20% and we anticipate the match to fall as low as 12% without an infusion of new funds. This legislation proposes a one-time fee adjustment so that the annual revenue in the trust fund will support at least a 45% match for CPA communities.

H.1260 Right of First Refusal

"An Act to guarantee a tenant's first right of refusal"

Sponsor: Representative Daniel Cullinane

In order to prevent the displacement that occurs when properties are foreclosed or subject to short sale, this bill gives tenants in these properties a right to purchase the property, or assign their right to purchase to a non-profit developer. This proposal follows a Massachusetts precedent that provides a right of first refusal for tenants in manufactured housing parks. Right of first refusal is an important tool to prevent the displacement that often occurs when properties are foreclosed or subject to short-sale and then cleared out by investors.

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S.913

H.3456 & H.1537

Right to Counsel

"An Act to ensure right to counsel in eviction proceedings"

Sponsors: Senator Sal DiDomenico & Representatives Chynah Tyler (H.3456) and Dave Rogers (H.1537)

This bill would give low-income tenants in certain eviction cases the right to an attorney who can represent them. While Massachusetts tenants have certain rights, including their day in court, few seek legal remedy either because they do not have legal counsel or do not understand their rights. The limited capacity of existing legal aid services means that very few tenants seeking legal representation actually receive it.

Tenants without legal representation enter eviction proceedings at a clear disadvantage. This bill would provide tenants with greater equity in eviction proceedings, potentially reducing the incident of homelessness and the demand for costly state-funded homelessness expenditures.

H.3507

Housing Choice

"An Act relative to housing choice"

Sponsor. Governor Baker

The Governor's Housing Choice bill eliminates barriers to building new housing and improving land use without mandating that cities and towns adopt any specific zoning practices by lowering the voting threshold for some zoning measures from a super majority of 2/3 to a simple majority. Massachusetts is the only northeastern state, and one of only 10 nationwide to require a supermajority.

This bill was reported favorably from the Joint Committee on Housing last session and we anticipate will be refiled this session.

Other Housing and Zoning Bills

Exclusionary Zoning

Sponsored by Senator Sonia Chang-Díaz & Representative Christine Barber

Massachusetts has high levels of residential segregation and it is reasonable to assert that restrictive local zoning and permitting decisions have played a significant role in creating and perpetuating these patterns based on race, socioeconomic status and familial status. This bill would prohibit municipal and state discriminatory zoning by-laws and ordinances

Zoning Tools

In addition to Housing Choice legislation, MAPC supports legislation that would allow for new zoning techniques for municipalities. These include: creating a training program for local planning & zoning boards; creating a mediation process for land use disputes; expediting certain appeals; authorizing "site plan review" and; making it easier for developers to cluster homes

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