



COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE

SENATOR DANIEL A. WOLF
Cape and Islands District

STATE HOUSE, ROOM 405
TEL. (617) 722-1570
FAX (617) 722-1271
DANIEL.WOLF@MASENATE.GOV
www.MASenate.gov

Chairman
LABOR and WORKFORCE DEVELOPMENT

Chairman
STEERING and POLICY

June 9, 2016

617-722-1570

Contact: Elysse Magnotto

Senate Passes Comprehensive Zoning Reform

First major update to zoning laws since the 1970s

BOSTON—Today the Massachusetts Senate passed legislation to address the housing needs of the Commonwealth by updating the state’s zoning laws. The bill, *An Act Promoting Housing and Sustainable Development*, changes local and state zoning laws to increase housing stock and build communities that will reduce sprawl and eliminate restrictive zoning laws.

Massachusetts currently has some of the highest costs for housing in the country making it harder for families to purchase homes and businesses to create jobs in a region that is affordable for their workers. According to a recent [report](#) by the National Low Income Housing Coalition, Massachusetts ranked 7th highest in the cost of housing for minimum wage workers. The report states that a minimum wage worker would have to work an average of 104 hours per week to afford a modest priced two bedroom apartment.

“This bill provides a balanced approach to updating our zoning laws, increasing our much needed housing stock, preserving opening space, and giving municipalities additional tools when it comes to development,” **said Senate President Stan Rosenberg**. “Through this bill we address our immediate need for housing while also making provisions for long term planning and sustainability.”

“This comprehensive bill strikes a careful balance to modernize our zoning laws, promote sustainable growth and encourage desperately needed housing development in communities across the Commonwealth,” **said Senate Committee on Ways and Means Chair Senator Karen E. Spilka**. “This bill is the result of many months of work with Senate colleagues, representatives from real estate and development, municipal officials and planners and a broad coalition of smart growth planning and environmental advocates. These reforms will equip our cities and towns with modern zoning tools, necessary for housing production, economic development, public health and our environment.”

“This bill is the result of decades of hard work and dialogue between many stakeholders, near and far,” **said Senator Dan Wolf**. “At the table have been advocates and representatives from our towns and cities and their planners, from the environmental community, from real estate organizations and individuals, from our developers and builders, from housing advocates, from various state and local government agencies, from transportation experts and from those who continue to define and refine *smart growth*, what it means and how we achieve it.”

“This legislation encourages more smart growth development and improves aspects of Chapter 40A,” **said Senator Kathleen O’Connor Ives, Senate Chair of the Joint Committee on the Community Development and Small Businesses**. “There are also provisions in the bill to spur the development of additional units of housing. Not enough housing is being produced in the Commonwealth and when there is scarcity, costs go up.”

“Today’s legislation would give communities the planning and permitting tools that they need to grow in sensible locations and curb expensive sprawl that degrades our environment,” **said Andre Leroux, Executive Director of the Massachusetts Smart Growth Alliance**. “It represents years of collaboration among local officials, housing groups, environmentalists, the public health community, and municipal planners and attorneys. The Senate did a wonderful job balancing the needs to encourage new housing while giving communities the flexibility to chart their own future.”

“This bill represents an historic accomplishment, modernizing our state land use laws for the first time in 40 years,” **said Marc Draisen, Executive Director of the Metropolitan Area Planning Council**. “It will help cities and towns to decide how and where they want to grow; it will offer residential and commercial developers a swifter and more predictable review process; and it will help us to build more housing for young people, families and senior citizens. It’s a truly landmark piece of legislation, which we hope the House and Governor will act upon before the session ends in July.”

“ELM hails the Senate's action today to reform our zoning laws, **said Nancy Goodman, Vice President for Policy of the Environmental League of Massachusetts**. “It is long overdue and we thank Senator Wolf, the Senate President, Chairwoman Spilka, and Chairwoman O’Connor Ives for their leadership. This legislation balances environmental protection with the promotion of additional housing that we very much need. It gives municipalities new tools to help them grow sustainably and makes the development process more rational and predictable. The bill is an extraordinary accomplishment.” The bill changes the state zoning laws through numerous avenues around multi-family zoning, accessory or in law apartments, impact fees for developers, inclusionary zoning, master plan development, and permitting.

To increase the number of multi-family units in the Commonwealth, the bill requires communities to designate districts for multi-family units and not requiring a special permit. In addition, to help seniors and families with aging parents, the bill allows for accessory apartments, also known as in-law apartments, to be allowed without any special permit up to five percent of the local housing stock.

A recent report by Northeastern University and A Better City estimates that the population of Greater Boston will increase by over 400,000 people by 2030. As a result, highway use will increase by 5% and water usage by 13.5%.

Increasing housing stock and population requires investments in infrastructure born by the city of town including roads, traffic mitigation, and water and sewer infrastructure. This legislation allows for all cities and towns to assess impact fees on developers to help offset the cost of these infrastructure improvements.

The bill also requires cities and town to adopt inclusionary zoning, which requires a percentage of the new housing stock be priced as affordable housing and not market rate housing. Most cities and towns currently have this requirement and this legislation would make it a standard requirement across municipalities.

The bill updates local master plan requirements to ensure they reflect the Commonwealth's Sustainable Use Development Principles and are tailored to the specific needs of the municipality. It also allows a master plan currently in effect to remain in effect for ten years, at which time it must be updated to conform to the requirements of this act.

The bill extends permitting time for developers from the current maximum of two years to a maximum of three years. This will allow developers additional time to make changes to site plans and shore up financing for their projects.

Finally, the bill allows judges, in cases against developers, to require the plaintiff to acquire a \$15,000 bond to pay for any potential legal fees and court costs.

The bill now goes the House of Representatives for consideration.

#####