

SENATE No. 993

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 accelerating housing production.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 993

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 993) of Barry R. Finegold for legislation to accelerate housing production through a combination of incentives, zoning reforms, and financing solutions. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act accelerating 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. Chapter 7 of the General Laws is hereby amended by inserting after section
2 4S the following new section:-

3 Section 4T. Notwithstanding any general or special law to the contrary, the
4 commissioner, in consultation with the deputy commissioner of local services and the secretary
5 of housing and livable communities, shall direct all departments, commissions, offices, boards,
6 divisions, institutions or other agencies administering discretionary or competitive grant
7 programs for which eligible recipients include municipalities or other public instrumentalities to
8 establish a preference modifier for prospective recipients in which requirements or regulations
9 relative to the production of affordable housing are consistent with local needs, as defined in
10 section 20 of chapter 40B; provided, however, that a regional or other partnership of 2 or more
11 municipalities shall only be eligible for such preference modifier if the applicable requirements
12 or regulations in all included municipalities are consistent with local needs as described herein.

13 A municipality or other public instrumentality applying for a discretionary or competitive grant
14 subject to this section that wishes to benefit from such preference modifier shall indicate, in a
15 format prescribed by the applicable department, commission, office, board, division, institution
16 or agency, that local requirements and regulations are presently consistent with local needs;
17 provided, however, that the administering entity may seek additional information from the
18 executive office of housing and livable communities related to the subsidized housing inventory
19 to confirm eligibility.

20 The secretary shall annually, on or before July 1, report on the implementation of this
21 section to the senate and house committees on ways and means and the joint committee on
22 housing.

23 SECTION 2. Section 27C of chapter 9 of the General Laws, as appearing in the 2022
24 Official Edition, is hereby amended by inserting, in line 22, after the words “mitigate the adverse
25 effects”, the following words:- ; provided, however, that the commission shall not require any
26 such means which would render the project unable to realize a reasonable financial return in
27 construction or operation, if: (i) said project is primarily residential in nature; and (ii) such
28 property which is listed on the state register established by section 26C of this chapter was
29 constructed on or after January 1, 1900.

30 SECTION 3. Section 5A of chapter 23B of the General Laws, as amended by section 104
31 of chapter 7 of the Acts of 2023, is hereby further amended by striking the first paragraph and
32 inserting in place thereof the following:- There shall be within the executive office a housing
33 appeals committee, consisting of 5 members to be appointed by the secretary or their designee,
34 of whom 1 shall be an officer or employee of the executive office or any agency or division

35 within the executive office, and 2 members to be appointed by the governor, of whom 1 shall be
36 a current or recent member of a select board and 1 shall be a current or recent member of a city
37 council or similar governing body of a city. The members shall serve for terms of 2 years each,
38 and the secretary or their designee shall designate the chairperson. A member of the committee
39 shall receive no compensation for such services, but shall be reimbursed by the commonwealth
40 for all reasonable expenses actually and necessarily incurred in the performance of official
41 duties. Said committee shall hear all petitions for review filed under section 22 of chapter 40B,
42 and shall conduct said hearings in accordance with rules and regulations established by the
43 secretary or their designee; provided, however, that the committee may hear multiple such
44 petitions concurrently provided that any such petition is heard by no fewer than 3 members, at
45 least 2 of whom have been appointed by the secretary or their designee and at least 1 of whom
46 has been appointed by the governor, as assigned by the chairperson.

47 SECTION 4. Section 8C of chapter 40 of the General Laws, as appearing in the 2022
48 Official Edition, is hereby amended in the first paragraph by inserting after the words “any
49 violation thereof” the following:- ; provided, however, that the commission shall retain a record
50 of any such rules and regulations and any other applicable ordinance or by-law, subject to the
51 provisions of section 7 of chapter 4, which denotes whether each such rule, regulation, ordinance
52 or by-law is more restrictive than the requirements of section 40 of chapter 131 and any
53 accompanying regulations promulgated by the department of environmental protection.

54 SECTION 5. Section 23 of chapter 40B, as amended by section 160 of chapter 7 of the
55 Acts of 2023, is hereby further amended by inserting at the end of the first paragraph the
56 following:- If the housing appeals committee elects to vacate 3 decisions of any particular board
57 of appeals within a 5-year period, said board of appeals shall be held under review and all further

denials for a period of 3 years shall be reviewed by the housing appeals court without necessary action from the applicant; provided, however, that an applicant may forego review by the housing appeals committee by submitting a written request to opt out in a form to be prescribed by the committee within 10 days of the board's denial. If the housing appeals committee elects to order a board to modify or remove conditions in any 3 individual cases within a 5-year period, said board of appeals shall be held under review and all further denials for a period of 2 years shall be reviewed by the housing appeals court without necessary action from the applicant; provided, however, that an applicant may forego review as permitted herein.

SECTION 6. Section 6 of chapter 40C of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting at the end thereof the following:- ; provided, however, that said commission shall issue such certificate notwithstanding any general or special law or local ordinance or by-law to the contrary if: (i) said construction of a building or structure or alteration of an exterior architectural feature within an historic district creates one or more new units of housing; and (ii) in the case of an alteration of an exterior architectural feature or demolition, the existing structure under consideration was constructed on or after January 1, 1900; and provided further, that said commission may issue an order of conditions in furtherance of the purpose of this chapter when issuing a certificate under this paragraph, provided that such conditions shall not render a project that is primarily residential in nature unable to realize a reasonable financial return in construction or operation of said housing.

SECTION 7. Section 5 of chapter 40L of the General Laws, as so appearing, is hereby amended by striking the first paragraph and inserting in place thereof the following 2 paragraphs:-

Land within an agricultural incentive area shall not be sold for or converted to industrial or commercial use or removed from the area unless the city or town in which such land is located and the department of food and agriculture on behalf of the state has been notified of the intent to sell or convert to such other use or remove said land from the area; provided, however, that the discontinuance of the use of such land for agricultural or horticultural purposes shall not be deemed a conversion to another use. Such notice of intent shall be sent by the landowner by registered mail, return receipt requested, to the mayor and city council of a city, or to the board of selectmen of a town, to its planning board and conservation commission and to the commissioner of the department of food and agriculture. For a period of 60 days subsequent to the mailing of such notice, the city or town or the commonwealth shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase said land or, in the case of intended conversion to commercial or industrial use not involving sale and not specifically exempted herein, an option to purchase said land at full and fair market value to be determined by impartial appraisal in accordance with recognized professional standards. No such sale or conversion to another use of such land shall occur until either said option period shall have expired or the landowner shall have been notified in writing by the mayor or board of selectmen of the city or town in question and by the commissioner that said option will not be exercised. Such option shall be exercised by written notice signed by the mayor or board of selectmen or by the commissioner mailed within the option period to the landowner by registered mail at such address as may be specified in his notice of intent and recorded with the appropriate registry of deeds or land registration office. Such option may only be exercised by the municipality or the department upon a showing that there are sufficient funds available to exercise said option.

Land within an agricultural incentive area shall not be sold for or converted to residential use unless: (i) the city or town in which such land is located and the department of food and agriculture on behalf of the state has been notified of the intent to sell or convert to residential use; and (ii) the landowner pays to said city or town a residential conversion fee, the sum of which shall be the total difference between any actual property tax levied on such area and the residential property tax that would have been levied on such area were the area of residential use for the last 5 taxable years. Such notice of intent shall be sent by the landowner by registered mail, return receipt requested, to the mayor and city council of a city or to the board of selectmen of a town, to its planning board and conservation commission and to the commissioner of the department of food and agriculture, and shall include an attestation by the landowner that continued agricultural use of said land is infeasible and the reasons therefore. Such residential conversion fee shall be assessed by the city or town within 30 days of receipt of such notice of intent and shall be paid by the landowner before the sale or conversion shall take effect. Such residential conversion fee shall be paid into the city or town treasury and be subject to further appropriation pursuant to section 53 of chapter 44. Specific use of land for a residence for the owner or a parent, grandparent, child, grandchild or brother or sister of the owner, or the surviving husband or wife of any deceased such relative, or for living quarters for any person actively employed full time in the agricultural or horticultural use of such land, shall not be deemed a conversion to residential use for the purposes of this section, and a certificate of the board of assessors, recorded at the appropriate registry of deeds or land registration office, shall conclusively establish that a particular use is such use.”

SECTION 8. Subsection (e) of section 3 of chapter 121D, as so appearing, is hereby amended by inserting at the end thereof the following:- , hereinafter referred to as the board;

provided, however, that such program of first-time homebuyer assistance shall include, but not be limited to, mortgage loans, down payment assistance and closing cost assistance; provided further, that in addition to any other eligibility requirements as determined by the board, such first-time homebuyer assistance shall be made available to residents earning not more than \$250,000 per year; and provided further, that such program of down payment assistance or closing cost assistance shall offer maximum assistance of not less than \$75,000 to an applicant.

SECTION 9. Section 40 of chapter 131 of the General Laws, as so appearing, is hereby amended in the third paragraph thereof by inserting at the end of the first sentence the following:- ; provided, however, that if the proposed work is primarily residential in nature, this section shall be applicable to any land or work thereon only if the conditions contained herein are met, notwithstanding any local rule, regulation, ordinance or by-law which would otherwise render the proposed work subject to this section; and provided further, that proposed work shall be considered primarily residential in nature if half or more of the total project area is used to create 1 or more new units of housing, including any minimum parking area as required by local ordinance or by-law.

SECTION 10. Said section 40 of said chapter 131, as so appearing, is hereby further amended in the eighteenth paragraph thereof by inserting at the end of the first sentence the following:- ; provided, however, that if the proposed work is primarily residential in nature, such conservation commission, board of selectmen or mayor shall not impose such conditions based solely on any local rule, regulation, ordinance or by-law identified as more restrictive than the provisions of this section pursuant to section 8C of chapter 40, unless such condition also adheres to the provisions of this section or regulations promulgated by the department hereunder; and provided further, that proposed work shall be considered primarily residential in nature if

half or more of the total project area is used to create 1 or more new units of housing, including any minimum parking area as required by local ordinance or by-law.

SECTION 11. Subsection (a) of section 1E of chapter 164 of the General Laws, as so appearing, is hereby amended by striking the last sentence and inserting in place thereof the following:- In promulgating such performance based rate schemes, the department shall establish service quality standards for each distribution, transmission and gas company for all customer classes. Such service quality standards shall include, but not be limited to, standards for: (i) customer satisfaction; (ii) service outages; (iii) distribution facility upgrades; (iv) repairs and maintenance; (v) new connections to customers; (vi) relocations of existing connections; (vii) telephone service; (viii) billing service; and (ix) public safety; provided, however, that such service quality standards shall include benchmarks for employee staff levels and employee training programs for each such distribution, transmission or gas company.

SECTION 12. Section 1F of said chapter 164, as amended by section 48 of chapter 239 of the Acts of 2024, is hereby further amended in paragraph (2) by striking the first sentence and inserting in place thereof the following:- Pursuant to this paragraph, the department shall promulgate rules and regulations which shall include, but not be limited to, the following provisions: (i) a requirement that all distribution companies, generation companies, aggregators, marketers and suppliers notify their customers in writing of the terms of their agreement to provide service at the time service is initiated; (ii) a requirement that any such provider which agrees to furnish service to a new residential, commercial or industrial development shall notify the relevant customer in writing of the estimated date on which service shall be initiated; (iii) a formal procedure allowing a customer to file a complaint against a distribution or generation company, aggregator, or supplier; and (iv) a formal dispute resolution procedure developed in

consultation with the Massachusetts office of dispute resolution, which shall include options for mediation, arbitration, facilitation or other dispute resolutions methods.

SECTION 13. Said section 1F of said chapter 164, as so appearing, is hereby further amended in paragraph (7) by inserting after the words “service outages” the following:- , new connections to customers, relocations of existing customers.

SECTION 14. Said section 1F of said chapter 164, as so appearing, is hereby further amended by inserting at the end thereof the following new paragraph:-

(11) The department shall ensure that all written complaints under this section in relation to new multi-family housing, as that term is defined in section 1A of chapter 40A, or low or moderate income housing, as that term is defined in section 20 of chapter 40B, which is in development or has been completed and not yet occupied are investigated and a response to the complainant provided no later than 30 days after receipt of such complaint; provided, however, that such response may include a decision of the department to continue said investigation and the reasons therefor; and provided further, that said investigation shall be initiated by the department no later than 10 days after receipt of said complaint if said complaint concerns a failure by a distribution company, generation company, aggregator, marketer or supplier to: (i) provide the notice required in clause (ii) of paragraph (2) of this section; or (ii) show reasonable effort to adhere to the estimated date therein.

SECTION 15. Section 32 of chapter 184, as amended by section 293 of chapter 7 of the Acts of 2023, is hereby further amended in the third paragraph by inserting after the words “agricultural or horticultural purposes” the following:- , if the land is to be converted to residential use in accordance with section 5 of chapter 40L.