

HOME BUILDERS & REMODELERS ASSOCIATION OF MASSACHUSETTS

2023–2024 Legislative Package

The following is a summary of the bills submitted by the Home Builders and Remodelers Association of Massachusetts for consideration in the 193rd Massachusetts Legislature:

An Act encouraging the adoption of smart growth and starter home zoning districts

Senate Docket No. 2077

Sponsor: Sen. Paul Feeney (D-Foxborough)

House Docket No. 2436

Sponsor: Rep. David Vieira (R-Falmouth)

This legislation would amend G.L. c. 40R, §9 (Smart Growth Zoning and Housing Production Law) to increase the amount of the zoning incentive payments and housing production bonuses paid by the commonwealth to municipalities for adopting a smart growth or starter home zoning district. The bill would double the amount of those payments from the current law which was originally enacted in 2004.

An act relative to smart growth and starter home school cost reimbursement

Senate Docket No. 2078

Sponsor: Sen. Paul Feeney (D-Foxborough)

House Docket No. 2430

Sponsor: Rep. David Vieira (R-Falmouth)

This legislation amends G.L. c. 40S, §1 (Smart Growth School Cost Reimbursement) to provide that a city or town that has established a starter home zoning district shall be eligible to receive smart growth school cost reimbursement from the commonwealth. It is a technical amendment needed due to the enactment of G.L. c. 40Y (Starter Home Zoning Districts).

An Act facilitating site plan review

House Docket No. 1943

Sponsors: Rep. Kevin Honan (D-Boston)

This legislation amends G.L. c. 40A (Zoning Act) to expressly provide authority to cities and towns to adopt zoning ordinances and by-laws for site plan review of by right uses and establishes uniform procedures and criteria for the adoption and application of such ordinances and by-laws.

An Act relative to abutter appeals

House Docket No. 3798

Sponsor: Rep. Kevin Honan (D-Boston)

The legislation amends G.L. c. 40A, §17 (Zoning Act) in an effort to mitigate the effect of the automatic standing granted to an abutter or an abutter to an abutter within 300 feet. It is too easy for an abutter to

simply claim that a proposed development will cause them harm due to increased traffic, noise, storm water runoff, etc., without actually providing some substantiation of their claim. The bill requires the plaintiff to submit within 60 days of the filing of a complaint, an affidavit that he or she will be able to submit evidence at trial of their claims. Failure to do so would result in the appeal being dismissed for lack of standing.

An Act relative to the term of special permits

Senate Docket No. 737

Sponsor: Sen. John Keenan (D-Quincy)

This legislation would amend G.L. c. 40A, §9 to provide that zoning ordinances or bylaws shall provide that a special permit granted under this section shall lapse within a specified period of time, not less than 3 years from the date of filing of such approval with the city or town clerk.

An Act relative to variances

Senate Docket No. 738

Sponsors: Sen. John Keenan (D-Quincy)

This legislation amends G.L. c.40A, §10 (Zoning Act) to provide that the one-year term to exercise the rights authorized by a variance shall not include such time required to pursue or await the determination of an appeal of the granting of such variance. This legislation mirrors the tolling of the three-year period for special permits (G.L. c. 40A, §9) while awaiting the determination of an appeal of the granting of such special permit.

An Act reducing impervious surfaces in subdivisions

House Docket No. 1941

Sponsor: Rep. Kevin Honan (D-Boston)

This legislation would amend G.L. c. 41, §81Q to prohibit a city or town from imposing standards for the construction of ways within a particular subdivision that exceed those commonly applied by that city or town to the “reconstruction” of publicly financed ways located in similarly zoned districts within such city or town. This legislation would overturn, in part, the decision of the Appeals Court in Miles v. Planning Board of Millbury, 404 Mass. 489 (1989).

An Act providing for safe subdivision ways

House Docket No. 1943

Sponsor: Rep. Kevin Honan (D-Boston)

This legislation would amend the Subdivision Control Law (G.L. c. 41, §81Q) to provide subdivision regulations adopted by local planning boards cannot limit the length of a road with a dead end to less than 1,200 feet or as specified by the State Fire Code as set forth in the NFPA Code 1, Publication 1141, whichever length is shorter.

An Act providing for pre-service training for members of local boards and commissions

Senate Docket No. 218

Sponsor: Sen. Julian Cyr (D-Barnstable)

House Docket No. 3486

Sponsor: Rep. Christopher Flanagan (D-Dennis)

This legislation would amend G.L. c. 40A, §12 (Zoning Act), G.L. c. 41, §81A (Subdivision Control Act), G.L. c. 17 (Department of Public Health), G.L. 21A, §2 (Executive Office of Environmental Affairs), G.L. c. 40, §8C (conservation commissions) and G.L. c. 111, §26 (boards of health) to require that members of local conservation commissions, boards of health, planning boards and zoning boards of appeal attend pre-service training programs to be offered, free of charge, by the Department of Housing and Community Development, the Department of Public Health or the Executive Office of Environmental Affairs, as appropriate.

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