

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1036) of Michael J. Barrett for legislation relative to the development of accessory apartments by special permit under local zoning ordinances and by-laws. Local Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT TO ENCOURAGE DEVELOPMENT OF ACCESSORY APARTMENTS.

*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. Section 20 of chapter 40B is hereby amended by  
2 striking the second paragraph and inserting the following:

3 "Accessory apartment", any rental dwelling unit which consists  
4 of at least 500 square feet of habitable space; provides kitchen and  
5 bathing facilities; provides at least one parking space per  
6 bedroom; and meets affordability guidelines to be established by  
7 the executive office of community and development.

8 "Low or moderate income housing", any housing subsidized by  
9 the federal or state government under any program to assist the  
10 construction of low or moderate income housing as defined in the  
11 applicable federal or state statute, whether built or operated by  
12 any public agency or any nonprofit or limited dividend  
13 organization and accessory apartments as defined by this section.

1 SECTION 2. Section 21 of chapter 40B is hereby amended by  
2 striking the first sentence and substituting the following:

3 Any public agency or limited dividend or nonprofit organiza-  
4 tion proposing to build low or moderate income housing, except  
5 for accessory apartment units as defined by section 20, may submit  
6 to the board of appeals, established under section twelve of  
7 chapter forty A, a single application to build such housing in lieu  
8 of separate applications to the applicable local boards.

