

HOUSE No. 4361

By Mr. Cox of Needham (by request), petition of Alexander Zaleski for legislation to redefine the term "consistent with local needs" in the construction of low or moderate income housing in certain cities and towns. Urban affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy.

AN ACT REDEFINING THE TERM "CONSISTENT WITH LOCAL NEEDS" IN THE CONSTRUCTION OF LOW OR MODERATE INCOME HOUSING IN CERTAIN CITIES AND TOWNS.

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 20 of chapter 40B of the General Laws, as inserted
2 by section 1 of chapter 774 of the acts of 1969, is hereby
3 amended by striking out the definition "Consistent with local
4 needs" and inserting in place thereof the following defini-
5 tion:—

6 "Consistent with local needs", requirements and regula-
7 tions shall be deemed to be consistent with local needs when
8 they meet the following requirements and standards: (a)
9 they are necessary to protect the health, safety and welfare of
10 the residents of the city or town, including the future
11 occupants of the proposed development and apply as equally
12 as possible to both subsidized and unsubsidized housing in
13 such city or town; or

14 (b) they are compatible with any master plan adopted by
15 the local planning board for a city or town or any part or
16 parts thereof as provided in section eighty-one of chapter
17 forty-one of the General Laws, except insofar as the confor-
18 mance to such master plan would make the provision of
19 subsidized housing in such city or town impossible; and

20 (c) they do not impose restrictions and requirements

21 greater than necessary to accomplish the purposes enumer-
22 ated in section three of chapter forty A of the General Laws;
23 or

24 (d) whenever imposed by a board of appeals after compre-
25 hensive hearing in a city or town where

26 (1) low or moderate income housing exists which is in
27 excess of ten per cent of the number of the housing units
28 reported in the latest United States decennial census of the
29 city or town or on sites comprising one and one-half per cent
30 or more of the total land area or (2) the application before
31 the board would result in the authorization of construction of
32 such housing on sites comprising more than three tenths of
33 one per cent of such land area or ten acres, whichever is
34 greater, in any one calendar year; provided, however, that
35 the land on which no buildings are permitted, such as street
36 rights-of-way and flood plain districts, and the land owned by
37 the United States, the commonwealth or any political subdivi-
38 sion thereof, the metropolitan district commission or any
39 public authority shall be excluded from the total land area
40 referred to in (1) and (2) above when making such deter-
41 mination of consistency with local needs.