

By Mr. Hynes of Marshfield, petition of Frank M. Hynes relative to accessory apartments. Housing.

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The Commonwealth of Massachusetts

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In the Year Two Thousand and Seven.  
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AN ACT RELATIVE TO 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 Notwithstanding any general or special law, or regulation to the  
2 contrary, a municipality that adopts a zoning ordinance or by-law to  
3 allow the construction of accessory apartments shall be permitted to  
4 count accessory apartment units toward that municipality's  
5 subsidized housing inventory so long as the occupant meets the  
6 income-eligibility standards determined by the federal Department  
7 of Housing and Urban Development; and provided further that  
8 evidence of income verification is provided to the department of  
9 housing and community development upon issuance of a building  
10 permit for the accessory apartment and annually thereafter; and  
11 provided further that said accessory apartments shall not be required  
12 to be subject to the provisions of the affirmative marketing plan,  
13 including the prohibition against renting to family members and  
14 relatives; and provided further that accessory apartments shall not be  
15 subject to deed restrictions.

16 For the purposes of this section, an accessory apartment shall be  
17 defined as an additional, separate, but connected dwelling unit,  
18 which contains facilities for living, sleeping, eating, cooking, and  
19 sanitation, that has been constructed onto an owner-occupied single-  
20 family home.

