

## **Affordable Housing Study Reports**

<b>Appendix A. Major Massachusetts Housing and Zoning Laws</b>
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### **Massachusetts General Law Chapter 40A**

Chapter 40A is the state's zoning enabling legislation, called the Zoning Act. The statute was originally enacted in 1954 and updated in 1975.

### **Chapter 40B**

Chapter 40B is the state's comprehensive permit law, enacted in 1969 (part of Chapter 774 sometimes referred to as the "anti-snob zoning" law), which established an affordable housing threshold of 10% of housing stock for every community. In communities below the 10% level, developers of low- and moderate-income housing can seek an expedited local review under the comprehensive permit process and can request a limited waiver of local zoning and other restrictions that may hamper construction of affordable housing.

### **Chapter 40R**

Chapter 40R encourages municipalities to adopt zoning overlay districts that allow higher density residential and mixed-use development in smart growth locations by providing fiscal incentives to cities and towns. Chapter 40R offers cities and towns a one-time zoning incentive payment, a density bonus per housing unit built and priority consideration for some state discretionary grant programs.

### **Chapter 40S**

Created in December of 2005, Chapter 40S reimburses cities and towns for costs associated with school enrollment growth as a result of 40R development, including increases in local public or charter school attendance and the need for other educational services.

### **Chapter 121A**

In 1969 Massachusetts enacted chapter 121B of the 1969 MGL which enables all cities and towns in Massachusetts to operate housing authorities and also codified all previous Massachusetts housing laws from 1935 to 1969.

### **Community Preservation Act**

The CPA, enacted in December 2000, allows cities and towns in Massachusetts to vote to raise local property taxes in order to acquire and protect open space, preserve historic buildings and landscapes, and create and maintain affordable housing. It also provides significant state matching funds to participating communities.

### **Local Initiative Program**

The LIP program was established by the Legislature in 1990 to stimulate the production of affordable housing opportunities by fostering cooperation between municipalities and housing developers. The program provides technical assistance to developers and municipalities seeking to develop housing that serves households at or below 80% of the area median income within mixed-income (market-rate and affordable) housing developments.

**Sources**

Citizens' Housing and Planning Association, "Taking the Initiative, Appendix E: Glossary of Housing Terms," CHAPA, [http://www.chapa.org/pdf/appendix\\_e\\_glossary.pdf](http://www.chapa.org/pdf/appendix_e_glossary.pdf).

Community Preservation Coalition, "Guide to Local Adoption," CPC, [http://www.communitypreservation.org/CPA\\_Guide.pdf](http://www.communitypreservation.org/CPA_Guide.pdf).

Massachusetts Department of Housing and Community Development. "Local Initiative Program – Division of Housing Development," DHCD, [http://www.mass.gov/dhcd/publications/fact\\_sheets/lip.htm](http://www.mass.gov/dhcd/publications/fact_sheets/lip.htm).