

2021 MA Economic Development Bill

Housing provisions in H.5250



HOUSING
FORWARD MA



HOUSING PROVISIONS IN THE ECONOMIC DEVELOPMENT BILL SIGNED BY GOVERNOR BAKER ON JANUARY 14, 2021

FUNDING

- **\$50 million** to accelerate and support the creation of **low-income*** and **moderate-income* housing** in close **proximity to transit nodes**
- **\$50 million** to cities and towns to assist in the **revitalization of blighted properties**, including remodeling, reconstruction, and/or redevelopment of housing
- **\$40 million** to **double the annual state low-income housing tax credit** program cap for the next 5 years
- **\$20 million** to support economic development, job creation, and **housing and climate resilience initiatives** in **small towns** or **rural areas**
- **\$10 million** to accelerate and support the creation and preservation of sustainable and **climate resilient affordable* multifamily housing**
- **\$5 million** for a **Gateway City housing pilot program** to support shovel-ready, market-rate housing in communities that have already met the 10% affordability requirement

HOUSING CHOICE

Allows **specific smart growth zoning changes** to be adopted by a **simple majority vote** of a local governance body (instead of the current 2/3 vote requirement). These include:

- Multifamily housing or mixed-use development in eligible locations, either by-right or by special permit
- Accessory dwelling units (ADUs), either by-right or special permit
- Open-space residential development by-right
- An increase in the permissible density in a proposed multi-family or mixed-use development by special permit
- A decrease in the amount of required parking by special permit
- Transfer of development rights or natural resource protection zoning
- Modification of regulations concerning bulk, height, yard sizes, lot area, setbacks, open space, parking, and building coverage requirements to allow for additional housing units
- Adoption of a smart growth or starter home zoning district (per MA Chapter 40R)

Special permits may be granted with a simple majority vote for:

- Multifamily housing located within 1/2 mi of an MBTA station (given 10% affordability)
- Mixed-use development in centers of commercial activity (given 10% affordability)
- Reduced parking spaces, provided that the reduction results in additional housing

ABUTTER APPEALS

The court may require a **plaintiff in an action appealing a special permit** to post a **bond of up to \$50,000** if the court finds that the harm to the defendant or public interest from the project's delay outweighs the financial burden of the plaintiff.

MBTA COMMUNITIES

All communities served by the MBTA must allow at least 1 district within 0.5 miles of an MBTA station/stop in which **multifamily housing (3+ units) is permitted as-of-right**. Failure to comply deems a community ineligible for several forms of state financial support.

TENANT PROTECTIONS

Eviction record sealing and protections for minors

- Makes it **illegal to include minors'** names on summary process proceedings

Housing Authority Board membership requirements

- Requires one member of local Housing Authority Boards to be a **tenant member**

The state legislature passed the bill in the closing hours of the legislative session on January 6, 2021.

Governor Baker signed the measures above on January 14, 2021. Additionally, the governor vetoed the 90 day implementation delay for the Housing Choice and MBTA Communities provisions, making both effective immediately upon signage.

**affordability defined as a max of 110% AMI, with at least 25% of occupants with incomes not more than 60% AMI*