

HOME BUILDERS & REMODELERS ASSOCIATION OF MASSACHUSETTS

2019–2020 Legislative Package

The following is a summary of the bills submitted by the Home Builders and Remodelers Association of Massachusetts for consideration in the 191st Session of the Massachusetts Legislature:

House Bill No. 1799, An Act relative to variances **Senate Bill No. 1181, An act relative to variances**

Sponsors: Rep. Kevin G. Honan (D-Boston)
Sen. Diana DiZoglio (D-Haverhill)

This legislation amends G.L. c.40A, §10 (Zoning Act) to provide that the one-year term to exercise the rights authorized by a variance shall not include such time required to pursue or await the determination of an appeal of the granting of such variance. This legislation mirrors the tolling of the three-year period for special permits (G.L. c. 40A, §9) while awaiting the determination of an appeal of the granting of such special permit.

House Bill No. 1800, An act relative to the term of special permits

Sponsor: Rep. Kevin G. Honan (D-Boston)

This legislation would amend G.L. c. 40A, §9 to provide that zoning ordinances or bylaws shall provide that a special permit granted under this ^[1]section shall lapse within a specified period of time, not less than 3 years from the date of filing ^[1]of such approval with the city or town clerk.
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House Bill No. 1801, An Act providing for safe subdivision ways

Sponsor: Rep. Kevin G. Honan (D-Boston)

This legislation would amend the Subdivision Control Law (G.L. c. 41, §81Q) to provide subdivision regulations adopted by local planning boards cannot limit the length of a road with a dead end to less than 1,200 feet or as specified by the State Fire Code as set forth in the NFPA Code 1, Publication 1141, whichever length is shorter.

House Bill No. 1803, An act reducing impervious surfaces in subdivisions

Sponsor: Rep. Kevin G. Honan (D-Boston)

This legislation would amend G.L. c. 41, §81Q to prohibit a city or town from imposing standards for the construction of ways within a particular subdivision that exceed those commonly applied by that city or town to the “reconstruction” of publicly financed ways located in similarly zoned districts within such city or town. This legislation would overturn, in part, the decision of the Appeals Court in Miles v. Planning Board of Millbury, 404 Mass. 489 (1989).

House Bill No. 1284, An act relative to smart growth school cost reimbursement

Sponsor: Rep. Kevin G. Honan (D-Boston)

This legislation amends G.L. c. 40S, §1 (Smart Growth School Cost Reimbursement) to provide that a city or town that has established a starter home zoning district shall be eligible to receive smart growth school cost reimbursement from the commonwealth.

House Bill No. 1285, An act relative to single-family home construction

Sponsor: Rep. Kevin G. Honan (D-Boston)

This legislation would amend G.L. c. 40R, §10 (Smart Growth Zoning and Housing Production Law) to strike the provision in the law that permits cities and towns to adopt design standards for “starter homes” developed in a starter home zoning district.

House Bill No. 1289, An act facilitating site plan review

Senate Bill No. 794, An act facilitating site plan review

Sponsors: Rep. Kevin G. Honan (D-Boston)
Sen. Diana DiZoglio (D-Haverhill)

This legislation amends G.L. c. 40A (Zoning Act) to expressly provide authority to cities and towns to adopt zoning ordinances and by-laws for site plan review of by right uses and establishes uniform procedures and criteria for the adoption and application of such ordinances and by-laws.

House Bill No. 2145, An act relative to the State Board of Building Regulations and Standards

Sponsors: Rep. David Vieira (R-Harwich)

This legislation would amend the powers of the Board of Building Regulations and Standards (G.L. c. 143, §94) to prohibit the board from adopting any amendment to the State Building Code that may be accepted by a city or town on a local option basis. The purpose of the legislation is to ensure the uniformity of the State Building Code by banning future “stretch codes.”

Senate Bill No. 82, An act promoting open space residential development

Sponsors: Sen. Diana DiZoglio (D-Haverhill)

This legislation would amend G.L. c. 40A, §3 (the Zoning Act) to prohibit local zoning ordinances and by-laws from prohibiting or unreasonably regulating open space residential developments in districts zoned for residential use. The bill also amends G.L. c. 40A, §9 to replace the term “cluster development” with the phrase “open space residential development.”

Senate Bill No. 1903, An Act providing for pre-service training for members of local boards and commissions

Sponsor: Sen. Michael J. Rodrigues (D-Westport)

This legislation would amend G.L. c. 40A, §12 (Zoning Act), G.L. c. 41, §81A (Subdivision Control Act), G.L. c. 17 (Department of Public Health), G.L. 21A, §2 (Executive Office of Environmental Affairs), G.L. c. 40, §8C (conservation commissions) and G.L. c. 111, §26 (boards of health) to require that members of local conservation commissions, boards of health, planning boards and zoning boards of appeal attend pre-service training programs to be offered, free of charge, by the Department of Housing and Community Development, the Department of Public Health or the Executive Office of Environmental Affairs, as appropriate.

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