

# HOME BUILDERS & REMODELERS ASSOCIATION OF MASSACHUSETTS

## 2021– 2022 Legislative Package

*The following is a summary of the bills submitted by the Home Builders and Remodelers Association of Massachusetts for consideration in the 192nd Session of the Massachusetts Legislature:*

### **House Docket No. 885, An Act relative to variances**

Sponsors: Rep. Kevin Honan (D-Boston)

Status: Referred to the Joint Committee on Municipalities and Regional Government

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 Docket No. 888, An act relative to the term of special permits**

Sponsor: Rep. Kevin Honan (D-Boston)

Sen. Diana DiZoglio (D-Haverhill)

Status: Referred to the Joint Committee on Municipalities and Regional Government

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 section shall lapse within a specified period of time, not less than 3 years from the date of filing of such approval with the city or town clerk.

### **House Docket No. 3464, An Act providing for safe subdivision ways**

Sponsor: Rep. Kevin Honan (D-Boston)

Status: Referred to the Joint Committee on Municipalities and Regional Government

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 Docket No. 911, An act reducing impervious surfaces in subdivisions**

Sponsor: Rep. Kevin Honan (D-Boston)

Status: Referred to the Joint Committee on Municipalities and Regional Government

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 Docket No. 887, An act relative to starter homes**

Sponsor: Rep. Kevin Honan (D-Boston)  
Status: Referred to the Joint Committee on Housing

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 Docket No. , An act facilitating site plan review**

### **Senate Docket No. 794, An act facilitating site plan review**

Sponsors: Rep. Kevin Honan (D-Boston)  
Sen. Diana DiZoglio (D-Haverhill)  
Status: Referred to the Joint Committee on Municipalities and Regional Government

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 Docket No. 2237, An act relative to the State Board of Building Regulations and Standards**

Sponsors: Rep. David Vieira (R-Harwich)  
Status: Referred to the Joint Committee on State Administration and Regulatory Oversight

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 Docket No. 1593, An act providing for pre-service training for members of local boards and commissions**

### **House Docket No. 912, An act providing for mandatory land use board training**

### **Senate Docket No. 65, An act providing training for boards and commissions**

Sponsor: Sen. Julian Cyr (D-Barnstable)  
Rep. Kevin Honan (D-Boston)  
Sen. Diana DiZoglio (D-Haverhill)  
Status: Referred to the Joint Committee on State Administration and Regulatory Oversight

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.

Note that House Docket No. 1593 is the HBRAMA-drafted bill. Although similar in their intent, the other bills are not as comprehensive as the legislation sponsored by Senator Cyr on behalf of the HBRAMA.

**House Docket No. 2983, An act extending certain permits and approvals**  
**Senate Docket No. 1199, An act extending the lifespan of permits held at the start of the COVID-19 pandemic**

Sponsors: Rep. Joseph Wagner (D-Chicopee)  
Sen. Adam Hines (D-Pittsfield)

Status: Referred to the Joint Committee on Economic Development and Emerging Technologies

This legislation would enact a special law that would extend for one (1) year following the termination of the state of emergency declared by Governor Baker on March 10, 2020, the term of certain permits and approvals concerning the use or development of real property. This bill is modeled on the Permit Extension Act of 2010. Its purpose is to ensure that housing developments that have received state or local approval during the pandemic will be able to advance once the state of emergency is rescinded and the state's economy begins to recover.

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