

# HOUSE . . . . . No. 1335

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Kevin G. Honan***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act promoting accessory dwelling units.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>1/19/2023</i>

# HOUSE . . . . . No. 1335

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By Representative Honan of Boston, a petition (accompanied by bill, House, No. 1335) of Kevin G. Honan relative to the regulation of location, dimensions or design of accessory dwelling units. Housing.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1413 OF 2021-2022.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

An Act promoting accessory dwelling units.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 2 of chapter 40R of the General Laws, as appearing in the 2018  
2   Official Edition, is hereby amended by inserting after the word “meanings;” in line 2, the  
3   following definitions:-

4           “Accessory dwelling unit”, a self-contained housing unit incorporated within a single-  
5   family dwelling or detached accessory structure that is clearly subordinate to the single-family  
6   dwelling and complies with the use, dimensional, and design requirements of the local zoning  
7   ordinance or by-law.

8           “Accessory dwelling zoning district”, a zoning district adopted by a city or town pursuant  
9   to this chapter that is superimposed over 1 or more zoning districts, in which a developer may

elect to (i) develop a project in accordance with requirements of the accessory dwelling zoning district ordinance or bylaw, or (ii) develop a project in accordance with requirements of the underlying zoning district.

SECTION 2. Said chapter 40R is hereby further amended by adding the following section:-

Section 15. In its zoning ordinance or by-law, a city or town may adopt an accessory dwelling zoning district. A proposed accessory dwelling zoning district shall permit the use of accessory dwelling units as of right.

No zoning ordinance or by-law shall unreasonably regulate the location, dimensions, or design of an accessory dwelling unit on a lot.

An accessory dwelling zoning district ordinance or by-law, or any amendment to or repeal of such ordinance or by-law, shall be adopted in accordance with section 5 of chapter 40A; provided however, that an accessory dwelling zoning district ordinance or bylaw shall be adopted, amended or repealed by a simple majority vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are 2 branches, or by a simple majority vote of a town meeting.

A city or town with an approved accessory dwelling zoning district shall not be eligible for a zoning incentive payment or a density bonus payment pursuant to section 9, unless the district meets the requirements of an approved smart growth zoning district pursuant to section 6 of this chapter.”.