

HOUSE No. 2351

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., for legislation to further regulate the community preservation law concerning “smart growth” planning in cities and towns. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ENCOURAGING SMART GROWTH PLANNING IN CITIES AND TOWNS.

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. Chapter 44B of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by striking out para-
3 graph (a) and inserting in place thereof the following:—
4 (a) The commissioner of revenue shall annually on October 15
5 disburse monies from the fund established in Section 10 to cities and
6 towns that have accepted Sections 3 to 7, inclusive, and adopted
7 zoning ordinances or by-laws that provide either for cluster develop-
8 ment, planned unit development or the transfer of development
9 rights, and notified the commissioner of their acceptance. The com-
10 munity shall notify the commissioner of the date and terms on which
11 the voters accepted said Sections 3 to 7, inclusive, and the date the
12 community adopted the aforesaid zoning ordinances or by-laws. The
13 municipal tax collecting authority shall certify to the commissioner
14 the amount the municipality has raised through June 30 by imposing
15 a surcharge on its real property levy and shall certify the percentage
16 of the surcharge applied.

1 SECTION 2. The provisions of this act shall apply only to those
2 cities and towns that accept Sections 3 to 7, inclusive, of Chapter
3 44B, on or after the effective date of this act.