

**Fact Sheet: Land Use Partnership Act**  
**Lead Sponsors: Senator Harriette Chandler and Representative Kevin Honan**  
**Docket Number:**

### **I. Need for Zoning Reform**

The Commonwealth's outdated zoning and planning statutes discourage sustainable development, affordable housing, and the protection of natural resources. As a result, Massachusetts is losing land to development at a rate seven times its population growth. Zoning and planning reform is a necessary first step to help cities and towns spend infrastructure dollars efficiently, create fair housing opportunities, and address climate change.

### **II. Background on Zoning Reform Task Force**

Secretary Greg Bialecki led an 18-month process to explore zoning and planning reform with representatives from the environmental community, planners, development interests, business associations, and smart growth, housing, and municipal groups. Senator Chandler and Representative Honan filed the Task Force's current draft of the Land Use Partnership Act (LUPA) at the start of the new legislative session. Going forward, Secretary Bialecki has expressed his intention to continue working with the Task Force and legislators to refine the bill and broaden its support.

### **III. Land Use Partnership Act Summary**

The Land Use Partnership Act modernizes a number of zoning and planning statutes in Chapters 40A and 41 that will affect the entire state. In addition, the proposal allows municipalities to opt-in to a higher performance standard and thereby receive new tools for directing development. The higher standard is based on the state's goals for housing, economic development, renewable energy, open space, and water resources. Regional Planning Agencies are responsible for certifying that the goals are met.

The bill seeks to fairly balance the interests of municipalities, developers, and the general public. This compromise includes many tradeoffs, but on a whole, it significantly advances sustainable planning and development in Massachusetts.

### **IV. Updates to State Zoning and Planning Statute that Affect All Municipalities**

1. Allows cities and towns to regulate maximum residential floor area and curb "McMansions."
2. Establishes the clear authority for cities and towns to create new "form-based" zoning codes, which are used around the country to promote a consistent town character.
3. Allows a majority vote for adopting a zoning bylaw or ordinance, with the local option of maintaining it at 2/3.
4. Limits "zoning freezes" to project plans, and not the underlying land itself. This will help protect municipalities from developers filing unrealistic plans.
5. Establishes for the first time a framework for site plan review, with a transparent and predictable process to facilitate development.
6. Authorizes cities and towns to institute the Transfer of Development Rights (TDR) within a municipality and among municipalities. This can help cities and towns protect important landscapes

facing intense development pressure by exchanging the right to develop more densely in other, more appropriate locations.

7. Clarifies and expands the use of “cluster development” to protect open space within residential developments.
8. Empowers municipalities to charge impact fees to offset the costs of increased public services and protects developers from unrelated requests.
9. Clarifies the rules for subdivision review in a similar way to site plan review as noted above.

#### **V. The Performance Standard for Opt-In Municipalities**

1. Creation of a certified land-use plan and enactment of local zoning consistent with the plan.
2. Prompt and predictable permitting of commercial and/or industrial development within one or more districts unless waived by the RPA.
3. Prompt and predictable permitting of reasonably compact residential development within one or more districts that can accommodate a number of new housing units equal to 5% of existing housing units over 10 years (.5% per year).
4. Mandatory open space residential design to protect open space in developments five units or larger in all zoning districts with minimum one acre lot size.
5. Mandatory low impact development techniques to help replenish groundwater in all developments greater than one acre.
6. Prompt and predictable permitting of (i) renewable or alternative energy generating facilities, (ii) renewable or alternative energy research and development facilities, or (iii) renewable or alternative energy manufacturing facilities, within one or more zoning districts that are eligible locations.

#### **IV. New Tools for Opt-In Communities that Meet State Goals**

1. Permission to eliminate the approval not required (ANR) exemption for residential projects.
2. Reduction of the subdivision zoning freeze from eight to three years (five years if the developer has invested substantially in infrastructure).
3. Ability to impose reasonable rate-of-growth programs within growth areas.
4. Permits natural resource protection zoning (very large lot conservation zoning) in areas of environmental resource value.
5. Priority for discretionary state funding for infrastructure.
6. Technical assistance grant funding from the state to municipalities to prepare their land-use plans and implement the necessary zoning changes.

For more information, please contact:

- André Leroux, Massachusetts Smart Growth Alliance (617-263-1257 or [andre@ma-smartgrowth.org](mailto:andre@ma-smartgrowth.org))
- Nancy Goodman, Environmental League of Massachusetts (617-742-2553 or [ngoodman@environmentalleague.org](mailto:ngoodman@environmentalleague.org))
- Sean Caron, CHAPA (617-742-0820 or [scaron@chapa.org](mailto:scaron@chapa.org))