

PUBLIC NOTICE

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)

Under the provisions of M.G.L. c. 30A, §§ 2 and 3, notice is hereby given of the proposed promulgation of regulation, 760 CMR 71.00 – Protected Use Accessory Dwelling Units. EOHLC's regulatory authority for this action is provided under St. 2024, c. 150 § 8 and M.G.L. c. 40A, § 3. In accordance with M.G.L. c. 30A, § 5, the proposed regulation has a minimal or non-existent Small Business Impact. The purpose of the regulation is to assist in the administration of St. 2024, c. 150 § 8, which provides that zoning shall not prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single accessory dwelling unit, or the rental thereof, in a single-family residential zoning district.

Pursuant to M.G.L. c. 30A, § 3, EOHLC will receive public comment in the following manner:

- A public hearing on the proposed regulation will be held on January 10th, 2025, at 100 Cambridge Street, 2nd Floor Conference Room A, Boston, MA 02114 at 10:00 AM and by virtual participation. For more information visit: www.mass.gov/adu
- Written comments on the proposed regulation may be submitted at any time prior to 11:59 pm on January 10, 2025, by: (1) sending the same electronically to EOHLCRegulationComments@mass.gov, including "Comments on 760 CMR 71" in the subject line; and/or (2) through a form that is available at: <https://www.mass.gov/aducomments>

A copy of the proposed regulation will be posted on EOHLC's website at:

<https://www.mass.gov/info-details/eohlc-regulations-current-regulations-and-proposed-amendments>

Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 760 CMR 71.00

Estimate of the Number of Small Businesses Impacted by the Regulation: This regulation is unlikely to negatively impact small businesses. In fact, the regulation is likely to create opportunities for small businesses to build ADUs.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? Potentially, for the construction, use, and management of ADUs developed.

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? No.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No.