



Commonwealth of Massachusetts  
EXECUTIVE OFFICE OF HOUSING &  
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

PUBLIC NOTICE

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)

Under the provisions of M.G.L. c. 30A, § 3, notice is hereby given of the emergency promulgation effective January 14, 2025, of regulation 760 CMR 72.00 – Multifamily Zoning Requirement for MBTA Communities. EOHLC's regulatory authority for this action is provided under M.G.L. c. 40A, § 3A and 23B. 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 encourage the production of multi-family housing by requiring MBTA communities to adopt zoning districts where multi-family housing is allowed as of right, and that meet other requirements set forth in the statute.

Pursuant to M.G.L. c. 30A, § 3, written comments on the proposed regulation may be submitted from January 31, 2025 through 11:59 pm on February 21, 2025, by: (1) sending the same electronically to [EOHLCRegulationComments@mass.gov](mailto:EOHLCRegulationComments@mass.gov), including "Comments on 760 CMR 72" in the subject line; and/or (2) through a form that is available at: [www.mass.gov/3APublicCommentForm](http://www.mass.gov/3APublicCommentForm).

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>.

## Initial Small Business Impact Statement

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

**CMR No.: 760 CMR 72.00**

**Estimate of the Number of Small Businesses Impacted by the Regulation:** EOHLC does not anticipate that the regulation will have any impact on small businesses. G.L. c. 40A, s. 3A requires MBTA Communities to adopt a zoning ordinance or by-law that provides for at least one district of reasonable size in which multi-family housing is permitted as of right. The regulation establishes rules, standards and procedures to set forth how MBTA Communities may achieve compliance with G.L. c. 40A, § 3A.

### Select Yes or No and Briefly Explain

|                                 |                                           |                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Will small businesses have to create, file, or issue additional reports?                                                                                                                                                                                                                                                                                      |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Will small businesses have to implement additional recordkeeping procedures?                                                                                                                                                                                                                                                                                  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Will small businesses have to provide additional administrative oversight?                                                                                                                                                                                                                                                                                    |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Will small businesses have to hire additional employees in order to comply with the proposed regulation?                                                                                                                                                                                                                                                      |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer,                                                                                                                                                                                                                                                      |
| Yes<br><input type="checkbox"/> | No<br><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?                                                                                                                                                                                                              |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?<br>(Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Do any other regulations duplicate or conflict with the proposed regulation?                                                                                                                                                                                                                                                                                  |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?                                                                                                                                                                                                                                |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?                                                                                                                                                                                                                                 |
| Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> | Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?                                                                                                                                                                                                                                                                  |

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