



Commonwealth of Massachusetts  
**EXECUTIVE OFFICE OF HOUSING  
AND LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lt. Governor ◆ Jennifer D. Maddox, Interim 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 promulgation of proposed regulation 760 CMR 77.00 – Surplus Real Property. EOHLC’s regulatory authority for this action is provided under St. 2024, c. 150, s. 122. 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 establish a framework to guide municipalities and developers in the residential development of surplus real property conveyed pursuant to St. 2024, c.150, s. 121. Pursuant to M.G.L. c. 30A, § 3, written comments on the proposed regulation may be submitted no later than 11:59 pm on April 13, 2026 by sending the same electronically to [EOHLCSurplusComments@mass.gov](mailto:EOHLCSurplusComments@mass.gov), including “Comments on 760 CMR 77” in the subject line. 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 77.00**

**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 assist employees of small businesses in obtaining year-round housing.

- Will small businesses have to create, file, or issue additional reports?  
No.
- Will small businesses have to implement additional recordkeeping procedures?  
No.
- Will small businesses have to provide additional administrative oversight?  
No.
- Will small businesses have to hire additional employees in order to comply with the proposed regulation?  
No.
- Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?  
No.
- Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?  
No.
- Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?  
No.
- Do any other regulations duplicate or conflict with the proposed regulation?  
No.
- Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?  
No.
- Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?  
No.
- Is the regulation likely to *deter* the formation of small businesses in Massachusetts?  
No.
- Is the regulation likely to *encourage* the formation of small businesses in Massachusetts?  
Potentially. The regulation may encourage the formation of small businesses who may seek to participate in the development of housing on land disposed of by the Division of Capital Asset Management and Maintenance pursuant to Section 121 of the Affordable Homes Act. Additionally, the regulation may marginally expand the workforce available to existing small businesses in the areas surrounding these parcels by creating more proximate housing opportunities for such potential employees or individuals seeking to form small businesses.
- Does the regulation provide for less stringent compliance or reporting requirements for small businesses?  
No.
- Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?  
No.
- Did the agency consolidate or simplify compliance or reporting requirements for small businesses?  
No.
- Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?  
No.

- Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  
No. These regulations are unlikely to worsen any adverse impact on small businesses that would have resulted from the adoption Section 122 of the Affordable Homes Act independent of regulation.
- EOHLIC's authority to issue non-regulatory publications addressing Section 122 is insufficient to resolve uncertainties in the statutory language which could result in the delay of disposition and development of surplus land identified by the Commissioner of the Division of Capital Asset Management and Maintenance pursuant to Section 121 of the Affordable Homes Act.  
No alternative regulatory methods that would minimize any potential adverse impact on small businesses were identified.