



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

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

PUBLIC NOTICE

Under the provisions of M.G.L. c. 30A, § 3, notice is hereby given of the proposed promulgation of regulation, 760 CMR 69.00 – Starter Home Zoning Districts. EOHLC's regulatory authority for this action is provided under M.G.L. St. 2004, c. 149; St. 2016, c. 219, §§ 37 through 54; M.G.L. c. 40; M.G.L. c. 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 establish rules, standards, and procedures for an optional housing program for Massachusetts municipalities called the Starter Home Zoning District Program created by M.G.L. c. 40Y. Written comments on the proposed regulation may be submitted no later than 11:59 PM on July 11, 2025, by sending the same electronically to EOHLCRegulationComments@mass.gov, including "Comments on 760 CMR 69" in the subject line. A copy of the proposed regulation will be posted on EOHLC's website at <https://www.mass.gov/info-details/ehlc-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 69

Estimate of the Number of Small Businesses Impacted by the Regulation:

The regulations do not directly impact any small businesses since adoption of Starter Home Zoning Districts is discretionary. It does, however, provide a tool for developers in their negotiations with municipalities over small home development projects

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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight?
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?
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.)?
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?
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective?</p> <p>This program is designed to achieve an outcome without regulating the process.</p> <p>(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.)</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>Existing regulations for 760 CMR 59 Smart Growth Zoning still mention starter home zoning, although they have no effect given the removal of starter homes from the enabling statute. They will be updated next, and we intend to include some changes from what we learn in the public engagement over these new regulations since the two programs track each other.</p>
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?

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?
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? It is possible that this program will support more small businesses by unlocking restrictive zoning so that more small homes can be built, giving small developers, architects, and laborers a greater opportunity for success.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small
<input type="checkbox"/>	<input checked="" type="checkbox"/>	businesses? There are no reporting or compliance requirements directly for small business as this program regulates municipal actions.
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? There are no reporting requirements for small businesses.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? There are no reporting requirements for small businesses.
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? Not applicable as this program provides a payment for municipal zoning.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? No. The program should not have any significant adverse impacts on small businesses. Regulations are also required to ensure appropriate use of state funds.