



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Juana B. Matias., Secretary

PUBLIC NOTICE

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES (EOHLC)

Under the provisions of M.G.L. c. 30A, section 3, notice is hereby given of the proposed amendment of regulation 760 CMR 71.00 – Protected Use Accessory Dwelling Units. EOHLC’s regulatory authority for this action is provided under M.G.L. c. 40A, section 3, para. 11 and St. 2024, c. 150, section 8. In accordance with M.G.L. c. 30A, section 5, the proposed regulation has a minimal or non-existent Small Business Impact. The purpose of the amendment is to clarify when local governments must issue permits for protected use accessory dwelling units and what regulatory powers local governments may exercise in permitting those units.

Pursuant to M.G.L. c. 30A, section 3, written comments on the proposed regulation may be submitted from September 11, 2026 through 11:59 pm on October 9, 2026, by: (1) sending the same electronically to EOHLCRegulationComments@mass.gov, including “Comments on 760 CMR 71” in the subject line; or (2) through an online form that is available at: <https://www.mass.gov/ADUPublicComment>.

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.

- **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?**
No. Potentially, for the construction, use, and management of ADUs developed.
- **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.