

HOUSE No. 5401

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES

REPORT
of the
SPECIAL JOINT
COMMITTEE
on
INITIATIVE PETITIONS
on the
INITIATIVE PETITION
of
ANDREW B. MIKULA
AND OTHERS
FOR THE PASSAGE OF AN ACT
TO ALLOW SINGLE-FAMILY HOMES
ON SMALL LOTS IN AREAS WITH
ADEQUATE INFRASTRUCTURE
(see House, No. 5000)

May 4, 2026.

MAJORITY REPORT.

A majority of the Special Joint Committee on Initiative Petitions

Article 48 of the Amendments to the Constitution of the Commonwealth allows voters to propose laws or constitutional amendments through initiative petitions, commonly called ballot questions. After gathering the required signatures and submitting certified signatures to the Secretary of the Commonwealth, a petition is formally presented to the Legislature for consideration. It is then referred to a committee, in this case, the Special Joint Committee on Initiative Petitions.

Under Article 48, the committee must report to the Legislature on each petition before the first Wednesday in May. Unlike the standard legislative process, the Legislature may only approve or reject an initiative petition as submitted, without making changes.

The Committee held a hearing on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure* on March 16, 2026. The Special Joint Committee on Initiative Petitions held public hearings throughout March 2026 to gather testimony and inform its review. The Committee considered input from subject matter experts, proponents and opponents of the Petition, as well as members of the public. The full hearing record and supporting documentation is available to the public at malegislature.gov/Events/Hearings/Detail/5597.

On May 4, 2026, a majority of the Special Joint Committee on Initiative Petitions (“the Committee”) voted to recommend that the General Court **take no action** on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure* (“the Petition”).

In reaching this determination, the Committee conducted a comprehensive review of the proposed measure, including a detailed analysis of its language, structure, and intended effect. The Committee evaluated testimony and documentary evidence presented during the public hearing, including input from subject matter experts in housing policy, municipal governance, land use planning, and infrastructure management, as well as statements from proponents, opponents, and members of the public. In addition, the Committee considered the potential legal, administrative, and fiscal implications of the proposal for both the Commonwealth and its municipalities.

The Initiative Petition seeks to permit, as a matter of right, the development of single-family homes on 5,000 square foot lots in areas determined to have adequate infrastructure, notwithstanding existing local zoning requirements. The stated objective of the petition is to increase housing production of small homes, expand the supply of buildable land, and improve housing affordability across the Commonwealth. Opponents question whether the goal of the petition would be realized given the specific language of the petition. For example, they noted ambiguity around size of structures, and a lack of implementation guidance (including how “adequate” infrastructure would be determined), which could result in uneven application across jurisdictions. The Committee recognizes the urgency of the Commonwealth’s housing challenges and the importance of advancing policies that promote the development of diverse, accessible, and attainable homeownership opportunities.

While the Committee supports the overarching goal of expanding housing opportunities and acknowledges the need for bold and effective responses to the Commonwealth's housing shortage, based on the testimony received and the fact that the legislature cannot by law make any changes to the ballot question as written by the proponents, the Committee cannot support this Petition.

It is important to note that Article 48 of the Amendments to the Massachusetts Constitution, which governs the initiative petition process, requires the Attorney General to provide initial certification of initiative petitions that meet the specific and limited requirements listed in Article 48. In making a decision on whether to initially certify an initiative petition, the Attorney General does not evaluate a petition's broader constitutionality; her certification decision is limited only to the narrow criteria listed in Article 48. Thus, this Petition has been certified by the Attorney General under Article 48, but it has not been evaluated by her or the courts for its constitutionality at this time.

For these reasons, a majority of the Committee recommends that the General Court **take no action** on Initiative Petition 25-03, House 5000, *Initiative Petition for a Law to Allow Single-Family Homes on Small Lots in Areas with Adequate Infrastructure*.

Senators.

Cindy F. Friedman
Brendan P. Crighton
Paul R. Feeney
Barry R. Finegold

Representatives.

Alice Hanlon Peisch
Kate Hogan
Frank A. Moran
Michael S. Day
David T. Vieira