

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas and Kevin G. Honan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote Yes in My Back Yard.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|---------------------|------------------|
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> | <i>1/16/2025</i> |
| <i>Kevin G. Honan</i> | <i>17th Suffolk</i> | <i>1/16/2025</i> |

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to promote Yes in My Back Yard.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1a of Chapter 40A of the General Laws, as so appearing, is
2 amended by inserting the following definitions:

3 “Duplex” - two dwelling units on the same parcel or lot in attached, detached, or semi-
4 detached arrangements that are designed for residential occupancy by not more than two
5 households living independently from each other.

6 “Triplex” - three dwelling units on the same parcel or lot in attached, detached, or semi-
7 detached arrangements that are designed for residential occupancy by not more than three
8 households living independently from each other.

9 “Quadplex” - four dwelling units on the same parcel or lot in attached, detached, or semi-
10 detached arrangements that are designed for residential occupancy by not more than four
11 households living independently from each other.

12 “Townhome” - dwelling units that are constructed in a row of two or more attached units
13 in which each dwelling unit shares at least one common wall with an adjacent unit and that are
14 accessed by separate outdoor entrances

15 Section 1a of Chapter 40A of the General Laws, as so appearing, is amended by striking
16 out the definition “multi-family housing” and inserting in place thereof the following definition:

17 “Multi-family housing” - a building with 3 or more residential dwelling units or 2 or
18 more buildings on the same lot with more than 1 residential dwelling unit in each building,
19 inclusive of but not limited to triplexes, quadplexes, and townhomes.

20 Section 3 of Chapter 40A of the General Laws, as so appearing, is amended by inserting
21 the following paragraphs:

22 No zoning ordinance or by-law in an area connected to a municipal or centrally managed
23 water and sewer system shall prohibit the use of duplexes, as defined in Section 1a or multi-
24 family housing, as defined in Section 1a, containing up to five dwelling units on lots zoned for
25 residential use as of right, provided, that the use of land or structures for duplexes and multi-
26 family housing containing up to five dwelling units may be subject to reasonable regulations,
27 including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review, regulations
28 concerning dimensional setbacks and the bulk and height of structures, provided that regulations
29 concerning the height of a duplex or multi-family housing does not limit height to less than 2
30 stories and provided further that those regulations either individually or cumulatively do not
31 render the development of land for duplexes and multi-family housing infeasible, and may be
32 subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter
33 64G.

34 No zoning ordinance or by-law shall prohibit the use of duplexes, as defined in Section
35 1a or multi-family housing, as defined in Section 1a, containing up to three dwelling units on lots
36 zoned for residential use as of right, provided, that the use of land or structures for duplexes and
37 multi-family housing containing up to three dwelling units may be subject to reasonable
38 regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review,
39 regulations concerning dimensional setbacks and the bulk and height of structures, provided that
40 regulations concerning the height of a duplex or multi-family housing does not limit height to
41 less than 2 stories and provided further that those regulations either individually or cumulatively
42 do not render the development of land for duplexes and multi-family housing infeasible, and may
43 be subject to restrictions and prohibitions on short-term rental, as defined in section 1 of chapter
44 64G.

45 The Executive Office of Housing and Livable Communities may develop a model zoning
46 code to assist municipalities in the implementation of this paragraph and shall issue guidelines or
47 promulgate regulations to administer this paragraph.

48 The effective date of this paragraph shall be 365 days after the effective date of this act.

49 SECTION 2. Section 3 of Chapter 40A of the General Laws, as so appearing, is amended
50 by inserting the following paragraphs:

51 No zoning ordinance or by-law shall impose minimum automobile parking requirements
52 on new residential developments. The Executive Office of Housing and Livable Communities
53 may issue guidelines or promulgate regulations to administer this paragraph.

54 The effective date of this paragraph shall be 365 days after the effective date of this act.

55 SECTION 3. Said section 81L of said chapter 41, as so appearing, is hereby amended by
56 inserting the following definition -

57 “Missing-Middle Housing Subdivision” in accordance with section 81HH, the division of
58 a lot, tract or parcel of land into 2 or more lots, tracts or parcels where, at the time when it is
59 made, every lot within the lot, tract or parcel so divided has frontage on: (i) a public way or a
60 way which the clerk of the city or town certifies is maintained and used as a public way; (ii) a
61 way shown on a plan approved and endorsed in accordance with the subdivision control law; or
62 (iii) a way in existence when the subdivision control law became effective in the city or town in
63 which the land lies having, in the opinion of the planning board, sufficient width, suitable grades
64 and adequate construction to provide for the needs of vehicular traffic in relation to the proposed
65 use of the land abutting thereon or served thereby and for the installation of municipal services to
66 serve the land and the buildings erected or to be erected thereon; provided, however, that the
67 frontage shall be of at least 20 feet, but with a maximum of 50 feet; and, provided further that the
68 maximum lot size for each newly created lot be not greater than 10,000 square feet; and provided
69 further that the use of the lots shall be exclusively for residential purposes.

70 Based on this paragraph, the Executive Office of Housing and Livable Communities shall
71 be responsible for developing objective and standardized criteria for what constitutes a Missing-
72 Middle Housing Subdivision.

73 Said section 81P of said chapter 41, as so appearing, is hereby amended by inserting after
74 the last paragraph the following paragraph -

75 Any person wishing to cause to be recorded a plan of land situated in a city or town in
76 which the subdivision control law is in effect, who believes that his plan is a Missing-Middle

77 Housing Subdivision, may submit his plan to the planning board of such city or town in the
78 manner prescribed in section eighty-one T, and, if the board finds that the plan is such a Missing-
79 Middle Housing Subdivision, it shall forthwith, without a public hearing, endorse thereon or
80 cause to be endorsed thereon by a person authorized by it the words "approved as a Missing-
81 Middle Housing Subdivision" or words of similar import with appropriate name or names signed
82 thereto, and such endorsement shall be conclusive on all persons. Such endorsement shall not be
83 withheld unless such plan shows a subdivision. If the board shall determine that in its opinion the
84 plan requires approval under the subdivision control law, it shall within twenty-one days of such
85 submittal, give written notice of its determination to the clerk of the city or town and the person
86 submitting the plan, and such person may submit his plan for approval as provided by law and
87 the rules and regulations of the board, or he may appeal from the determination of the board in
88 the manner provided in section eighty-one BB. If the board fails to act upon a plan submitted
89 under this section or fails to notify the clerk of the city or town and the person submitting the
90 plan of its action within twenty-one days after its submission, it shall be deemed to have
91 determined that it is a Missing-Middle Housing Subdivision, and it shall forthwith make such
92 endorsement on said plan, and on its failure to do so forthwith the city or town clerk shall issue a
93 certificate to the same effect. The plan bearing such endorsement or the plan and such certificate,
94 as the case may be, shall be delivered by the planning board, or in case of the certificate, by the
95 city or town clerk, to the person submitting such plan. The planning board of a city or town
96 which has authorized any person, other than a majority of the board, to endorse on a plan the
97 approval of the board or to make any other certificate under the subdivision control law, shall
98 transmit a written statement to the register of deeds and the recorder of the land court, signed by
99 a majority of the board, giving the name of the person so authorized.

100 The endorsement under this section may include a statement of the reason as to why the
101 subdivision constitutes a Missing-Middle Housing Subdivision.

102 Said section 81T of said chapter 41, as so appearing, is hereby amended by inserting after
103 “approval is not required” in line 2 -

104 Or a Missing-Middle Housing Subdivision

105 Said chapter 41 is hereby further amended by inserting after section 81GG the following
106 section:-

107 Section 81HH (a) The purpose of a Missing-Middle Housing Subdivision, as provided for
108 in this section, is to encourage and facilitate the development of missing-middle housing,
109 including but not limited to duplexes, triplexes, quadplexes, and townhomes, as defined in
110 Chapter 40A Section 1a by establishing a standardized and objective process through which a
111 property owner can subdivide their property.

112 (b) No application for a Missing-Middle Housing Subdivision shall be: (i) subject to a
113 public hearing if every lot within the lot meets the frontage requirements established in
114 Section 81L; (ii) subject to the requirements of section 81S; (iii) subject to a requirement that
115 total travelled lanes’ widths shall be greater than 22 feet; (iv) subject to a procedural or
116 substantive requirement more stringent than those specified in this chapter or contained in a city
117 or town’s local rules and regulations otherwise applicable to subdivisions; and (v) approved
118 ministerially based on a determination by a majority of the planning board that an application
119 meets all criteria required by the rules and regulations provided in this chapter and by the
120 Executive Office of Housing and Livable Communities.

121 (c) For a Missing-Middle Housing Subdivision on an existing way, the planning board
122 shall take final action and file with the city or town clerk a certificate of such action within 60
123 days. Failure to take final action and file with the city or town clerk a certificate of such action
124 within 60 days shall be deemed an approval of a minor subdivision on an existing way.

125 (d) For a Missing-Middle Housing Subdivision on a new way, the planning board shall
126 take final action and file with the city or town clerk a certificate of such final action within 90
127 days. Failure to take final action and file such certificate within 90 days shall be deemed an
128 approval of a minor subdivision on a new way.

129 The effective date of this section shall be 365 days after the effective date of this act.

130 Section 3 of Chapter 40A of the General Laws, as so appearing, is amended by inserting
131 after the last paragraph:

132 No zoning ordinance or by-law shall impose minimum lot size requirements on new
133 residential developments. The Executive Office of Housing and Livable Communities may issue
134 guidelines or promulgate regulations to administer this paragraph.

135 SECTION 4. Section 1A of Chapter 40A of the General Laws, as so appearing, is
136 amended by inserting the following definition:

137 “Bus Station” means a building located at the intersection of two or more bus lines,
138 within which services are available to bus passengers; provided that a bus station does not
139 include a shelter or other structure without walls and a foundation.

140 Chapter 40A, of the General Laws, as so appearing, is hereby amended by adding the
141 following section:

142 Section 18. (a) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as
143 of right and with no minimum parking requirements for dwelling units, mixed-use development
144 or multifamily housing with a minimum gross density of 15 units per acre, subject to any further
145 limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code
146 established pursuant to section 13 of chapter 21A, and be located not more than 0.5 miles from a
147 commuter rail station, subway station, ferry terminal or bus station, if applicable.

148 (b) Any zoning regulations adopted pursuant to Chapter 40A shall allow, as of right and
149 with no minimum parking requirements for dwelling units, multifamily housing with a minimum
150 gross density of 15 units per acre, subject to any further limitations imposed by section 40 of
151 chapter 131 and title 5 of the state environmental code established pursuant to section 13 of
152 chapter 21A, and be located not more than 0.25 miles from an eligible location.

153 (c) Any development permitted pursuant to subsections (a) or (b) which includes ten or
154 more residential units shall set aside a minimum of fifteen percent of the residential units to
155 households earning at or below 80% of the Area Median Income or a minimum of ten percent of
156 the residential units to households earning at or below 50% of the Area Median Income as
157 determined by the U.S. Department of Housing and Urban Development.

158 (d) If a municipality fails to adopt new regulations or amend existing regulations to
159 comply with the provisions of this section by January 1, 2027, any noncompliant existing
160 regulation shall become null and void and such municipality shall approve or deny applications
161 in accordance with the requirements for regulations set forth in the provisions of this section
162 until such municipality adopts or amends a regulation in compliance with this section.

163 (e) A municipality shall not use or impose standards to discourage through unreasonable
164 costs or delays the development of housing described in this section.

165 SECTION 5. The secretary of housing and livable communities, secretary of energy and
166 environmental affairs, the secretary of transportation, and the executive director of the
167 Massachusetts Development Finance Agency shall jointly submit a report to the joint committee
168 on housing identifying greyfields sites across the commonwealth, options for redevelopment or
169 reuse that may include housing, public use or facilities, mixed use development, or natural
170 restoration and open space, and identify programs within the appropriate state and quasi-public
171 agencies that can be used to support communities in repurposing underutilized land.

172 For the purposes of this act, the term greyfields may include, but is not limited to, land
173 with development that is outdated, underutilized, failing, or vacant, including commercial,
174 residential, and industrial properties. This term may also include land that is owned by the
175 commonwealth, its agencies, or its political subdivisions.

176 SECTION 6. Section 34 of Chapter 7C of the General Laws, as so appearing, are hereby
177 amended by inserting the following paragraph:

178 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to
179 chapter 7C, the commissioner of capital asset management and maintenance in coordination with
180 the secretary of the executive office of housing and economic development shall determine
181 whether such real property shall be made available for low or moderate income housing pursuant
182 to this chapter. In making such determination the commissioner and the secretary shall take into
183 account the following factors:

184 (i) existing zoning that limits the siting of low or moderate income housing in the city or
185 town in which the publicly owned real property is located;

186 (ii) financial or other deterrents to the production of low or moderate income housing in
187 the city or town in which the real property is located; and

188 (iii) ensuring that real property for disposition under this chapter is fairly made available
189 to all regions of the commonwealth, including gateway municipalities, rural areas and suburban
190 areas.

191 Upon making the determination that publicly owned real property shall be made available
192 for disposition under this chapter, the commissioner and the secretary shall, notwithstanding
193 chapter 7C or any other law to the contrary, declare the property available for development of
194 low or moderate income housing in accordance with this chapter.

195 SECTION 7. Section 13 of chapter 21A, as so appearing, is hereby amended by striking
196 out the first paragraph and inserting in place thereof the following paragraph:

197 A board of health may adopt a local on-site sewage disposal systems regulation, only to
198 the extent that it imposes standards or other requirements that are more stringent than or
199 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
200 and only if, prior to adoption by the board of health, the Department of Environmental Protection
201 shall review and approve any such proposed on-site sewage disposal systems regulation based
202 upon findings that the proposed regulation has a generally recognized scientific basis, is a
203 recommended best practice technique, is necessary to protect unusual local resources that
204 warrant special or enhanced protection, and does not conflict with Title 5 of the State
205 Environmental Code, 310 CMR 15.000.

206 SECTION 8. Section 17 of chapter 40A is hereby amended by striking in the first
207 paragraph the words “may appeal” and replacing them with “may pursuant to G.L. c.423, § 4
208 petition for certiorari”; and is further amended by striking the seventh sentence in the second
209 paragraph of said section.

210 Section 3A of chapter 184 is hereby amended by striking the first sentence in the fourth
211 paragraph and replacing it with:

212 Notwithstanding any other general or special law to the contrary, any action not
213 commenced in the permit session, but within the jurisdiction of the permit session as provided in
214 this section, either (i) shall be transferred to the permit session if the underlying project or
215 development involves 25 or more dwelling units, or (ii) may be transferred to the permit session,
216 in either case upon motion by any party to the chief justice of the trial court.

217 SECTION 9. Section 31 of chapter 111 is hereby amended by striking the first paragraph
218 and replacing it with:

219 Boards of health may make reasonable health regulations provided that no regulation or
220 amendment thereto which relates to the minimum requirements for subsurface disposal of
221 sanitary sewage shall exceed the requirements of the state environmental code A summary which
222 shall describe the substance of any regulation made by a board of health under this chapter shall
223 be published once in a newspaper of general circulation in the city or town, and such publication
224 shall be notice to all persons. Whoever, himself or by his servant or agent, or as the servant or
225 agent of any other person or any firm or corporation, violates any reasonable health regulation,
226 made under authority of this section, for which no penalty by way of fine or imprisonment, or
227 both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

228 SECTION 10. Section 40 of chapter 131 is hereby amended by adding the following at
229 the end of said section:

230 No city or town may enforce an ordinance or bylaw that exceeds the requirements of this
231 section or of regulations promulgated by the department of environmental protection pursuant to
232 this section.

233 SECTION 11. Section 3 of Chapter 40A is hereby amended by adding the following
234 sentence to the end of the first sentence beginning “No zoning ordinance or by-law shall prohibit,
235 unreasonably restrict or require a special permit or other discretionary zoning approval for the
236 use of land or structures for a single accessory dwelling unit”:

237 Provided further that no zoning ordinance or by-law may prohibit the use of Accessory
238 Dwelling Units as of right on lots where the principal dwelling contains more than one dwelling
239 unit

240 SECTION 12. The General Court may adopt the recommendations of the Housing
241 Advisory Council established by Executive Order Number 621, issued on October 18th, 2023, to
242 establish a Housing Production Plan which identifies existing limitations on the production of
243 affordable and market rate housing in each region of the state and develops a comprehensive
244 statewide housing plan to guide the production, rehabilitation, preservation, operation, and
245 subsidization of housing.