

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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:

Brendan P. Crighton

DISTRICT/ADDRESS:

Third Essex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 858 OF 2023-2024.]

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 be
71 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 -Or a Missing-Middle Housing Subdivision

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

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

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

118 meets all criteria required by the rules and regulations provided in this chapter and by the
119 executive office of housing and livable communities.

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

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

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

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

131 No zoning ordinance or by-law shall impose minimum lot size requirements on new
132 residential developments. The executive office of housing and livable communities may issue
133 guidelines or promulgate regulations to administer this paragraph.

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

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

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

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

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

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

157 (d) If a municipality fails to adopt new regulations or amend existing regulations to
158 comply with the provisions of this section by January 1, 2027, any noncompliant existing
159 regulation shall become null and void and such municipality shall approve or deny applications

160 in accordance with the requirements for regulations set forth in the provisions of this section
161 until such municipality adopts or amends a regulation in compliance with this section.

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

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

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

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

177 (c) Prior to disposition of publicly owned real property of the commonwealth pursuant to
178 chapter 7C, the commissioner of capital asset management and maintenance in coordination with
179 the secretary of the executive office of housing and economic development shall determine
180 whether such real property shall be made available for low or moderate income housing pursuant

181 to this chapter. In making such determination the commissioner and the secretary shall take into
182 account the following factors:

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

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

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

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

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

196 A board of health may adopt a local on-site sewage disposal systems regulation, only to
197 the extent that it imposes standards or other requirements that are more stringent than or
198 otherwise exceed those set forth in Title 5 of the State Environmental Code, 310 CMR 15.000,
199 and only if, prior to adoption by the board of health, the department of environmental protection
200 shall review and approve any such proposed on-site sewage disposal systems regulation based
201 upon findings that the proposed regulation has a generally recognized scientific basis, is a

202 recommended best practice technique, is necessary to protect unusual local resources that
203 warrant special or enhanced protection, and does not conflict with Title 5 of the State
204 Environmental Code, 310 CMR 15.000.

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

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

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

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

218 Boards of health may make reasonable health regulations provided that no regulation or
219 amendment thereto which relates to the minimum requirements for subsurface disposal of
220 sanitary sewage shall exceed the requirements of the state environmental code A summary which
221 shall describe the substance of any regulation made by a board of health under this chapter shall
222 be published once in a newspaper of general circulation in the city or town, and such publication
223 shall be notice to all persons. Whoever, himself or by his servant or agent, or as the servant or

224 agent of any other person or any firm or corporation, violates any reasonable health regulation,
225 made under authority of this section, for which no penalty by way of fine or imprisonment, or
226 both, is provided by law, shall be punished by a fine of not more than one thousand dollars.

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

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

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

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

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