

Massachusetts House of Representatives Bill Summary

Bill #: H.2348

Title: An Act relative to exclusionary zoning

Sponsor: Rep. Andres Vargas

Committee: Municipalities and Regional Government

Hearing Date: July 29, 2025

Current Law: Article 60 of the Amendments to the Massachusetts Constitution states that the general court shall have power to limit buildings according to their use or construction to specified districts of cities and towns.

MGL Chapter 23B regulates the Department of Housing and Community Development, its powers, duties and responsibilities. According to the law, the department's mission is to mobilize the human, physical and financial resources available to combat poverty and provide economic training and open housing opportunities.

Chapter 40A of the Mass. General Laws is the State Zoning Act. Section 3 lists the subjects which zoning may not regulate. Section 5 governs the procedure for adoption or change of zoning ordinances and bylaws.

Summary: This legislation amends the law to require the Executive Office of Housing and Livable Communities to create regulations related to exclusionary zoning. Such regulations would include the following:

1. A definition of exclusionary zoning;
2. A process by which residents, developers and other interested parties can file a complaint with the executive office if they believe a municipality is engaging in exclusionary zoning;
3. Establish a review process whereby the executive office makes a determination that a municipality has engaged in exclusionary zoning.

The bill language includes a provision granting the Executive Office of Housing and Livable Communities the power to assume control over a municipality's zoning for at least 4 years if it has engaged in exclusionary zoning. After the 4 year period, the municipality could petition the executive office to regain control of their zoning.