



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

November 1, 2024

Her Excellency Maura T. Healey
Governor of the Commonwealth of Massachusetts
Office of the Governor, Room 280
Massachusetts State House, 24 Beacon St.
Boston, MA 02133

The Honorable James Arciero
Joint Committee on Housing, House Chair
State House Room 146
Boston, MA 02133
Via Email: james.arciero@mahouse.gov

The Honorable Lydia Edwards
Joint Committee on Housing, Senate Chair
State House Room 413-C
Boston, MA 02133
Via Email: Lydia.edwards@masenate.gov

Dear Governor Healey and Chairs Arciero and Edwards,

Pursuant to St. 2024 c. 150 § 15 (the Affordable Homes Act), I hereby submit the attached report concerning delays of statutory deadlines in appeals before the Housing Appeals Committee (HAC). This report summarizes the statutory deadlines that were missed during the reporting period, which for this first annual report is August 6, 2024 – November 1, 2024. I would also like to share with you steps EOHL and the HAC have taken and plan to take to address such delays and improve the efficiency of the HAC appeal procedures.

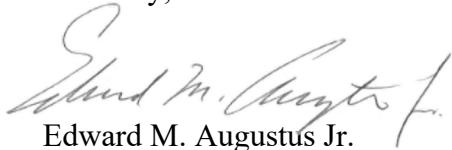
As detailed in the report, while the statutory framework under G.L. c. 40B, § 22, establishes notice, hearing, and decision issuance deadlines for cases before the HAC, various factors result in unavoidable extensions in these cases. These factors include the length and complexity of evidentiary records; party-requested extensions of time to engage in settlement discussions or mediation; staying (pausing) cases pending related court litigation; extensive prehearing motion practice; staffing limitations and procedural limitations on the HAC's presiding officer's ability to shorten time periods. Nevertheless, EOHL and the HAC are committed to efforts to streamline and shorten appeal timeframes, including:

- *Newly Implemented Expedited Procedures not Requiring Regulatory Amendment:* The HAC has begun setting time constraints to reduce procedural delays caused by attorneys' motion practice and in the preparation of the record for the hearings.
- *Proposed Measures that Require Regulatory Amendment.* EOHLC is proposing to amend 760 CMR 56.00 by eliminating the interlocutory safe harbor appeal, which has been shown to lengthen the time from a comprehensive permit application to a ZBA and final issuance of a comprehensive permit. EOHLC is considering additional amendments to the regulation specifically to eliminate time-consuming procedural requirements in the HAC's hearing process.
- *Staffing Efforts to Shorten Timeframes:* EOHLC and the HAC are working to facilitate the prompt appointment of two new Committee members to ensure quorum for meetings and deliberations: a city council member to fill a vacancy and a town select board member to take the place of a member who wishes to be replaced. EOHLC is also engaged in hiring additional legal staff, including staff to work on HAC matters.

These initiatives are aimed at reducing overall case timelines without undermining the thoroughness and integrity of the HAC's decision-making process.

Should you require any further information or wish to discuss the contents of the report, please do not hesitate to contact me.

Sincerely,



Edward M. Augustus Jr.
Secretary