



Commonwealth of Massachusetts
Executive Office of Housing and
Livable Communities



760 CMR 69.00 Draft Regulations for Starter Home Zoning Districts (MGL c. 40Y)



Welcome and Introductions



Bill Reyelt
Principal Planner for Smart Growth Programs
Starter Homes Coordinator
william.reyelt@mass.gov



Filipe Zamborlini
Manager
Community Assistance Unit
Filipe.Zamborlini@mass.gov



- 1. Overview of Starter Home Zoning Districts (SHZDs)**
- 2. Draft Regulations Highlights/Key Provisions**
- 3. Additional Information & Supports**



1.

SHZD Overview



Background


- Starter Home Zoning Districts (SHZDs) were enabled with the passage of MGL c.40Y
- Originally enabled under MGL c.40R, SHZDs were re-established under MGL c.40Y to create more options and increase flexibility for communities and new starter homes.
 - Draft Regulations were published on June 20, 2025, and a public comment period is open from June 20, 2025 to July 25, 2025.
 - Final Regulations are expected early Fall 2025.



What are SHZDs?

- A zoning tool that communities can adopt to encourage compact neighborhoods of modest-sized, mixed-income, single-family homes.
- A Starter Home is a single-family home not greater than 1,850 sf of “Heated Living Area”.
- Communities that adopt SHZDs are eligible for Zoning Incentive and Production Bonus Payments based on the number of newly-zoned units allowed as-of-right and number of starter homes that get built.





[Home](#) > [Executive Office of Housing and Livable Communities](#) > [Community Development, Planning and Funding](#)

OFFERED BY [Executive Office of Housing and Livable Communities](#)

Starter Homes Program - Chapter 40Y

Chapter 40Y provides communities with a zoning tool to meet local needs for smaller, more affordable, starter homes.




TABLE OF CONTENTS

- ✓ [Starter Homes Draft Regulations and Public Comments](#)
- ✓ [What is a Starter Home?](#)
- ✓ [Why do we need Starter Homes?](#)
- ✓ [What is the law?](#)
- ✓ [How can communities create Starter Home Zoning Districts?](#)
- ✓ [Contact](#)


Starter Homes Draft Regulations and Public Comments

The Starter Homes Draft Regulations - 760 CMR 69.00: Starter Home Zoning Districts - are intended to provide clarity on the administration of M.G.L. c40Y, the Starter Home law. EOHLIC intends to issue final regulations in early fall 2025. Below you will find an unofficial version of the draft regulations and the public comment form. A recorded webinar highlighting key elements of the draft regulations will be posted soon.

[40Y Draft Regulations \(PDF\) →](#)[40Y Draft Regulations \(HTML\) →](#)[40Y Public Comment Form →](#)

What is a Starter Home?

A "starter home" is a smaller single-family home suitable for first-time home buyers, downsizing, smaller households, and people needing a more affordable single-family housing option.



CONTACT

William Reyelt, Principal Planner, Community Assistance Unit

[Online](#)
william.reyelt@mass.gov

Address
100 Cambridge St, Suite 300, Boston, MA 02114
[Directions →](#)

RELATED

- [40Y Statute →](#)
- [Chapter 40R →](#)
- [Chapter 40S →](#)



Key Minimum Requirements

- At least 4 units per acre of Developable Land as-of-right.
- Only Starter Homes, Accessory Dwelling Units, and accessory commercial or other non-residential use approved by EOHLC can be built in SHZDs.
- Incorporate Sustainable Development Standards.
- Starter Homes cannot be age-restricted and at least 50% must have 3+ bedrooms.
- 10% of Starter Homes in projects with 13+ units must be affordable to households below 110% Area Median Income (AMI).
- EOHLC must determine proposed zoning eligibility including that any Design Standards and site plan review procedures are reasonable.



2.

SHZD Regulations Highlights & Key Provisions



Overview of Draft Regulations (760 CMR 69.00)

- 69.01 Purpose
- 69.02 Definitions
- 69.03 Starter Home Zoning Requirements
 - Application for Preliminary Determination of Eligibility
 - Letter of Eligibility
 - Requirements
- 69.04 Procedure for Approval, Review, Amendment, and Repeal
- 69.05 Payments and Repayments
- 69.06 Annual Updates; Certification of Revocation
- 69.07 Waiver

Purpose

760 CMR 69.01





Purpose – 760 CMR 69.01

- Establishes rules, standards, and procedures for an optional housing program for Massachusetts municipalities called the Starter Home Zoning District Program created by M.G.L. c. 40Y. EOHLC is the regulatory agency for the program and is authorized to issue regulations **to explain and to provide specifics of the program and its operation.**
- 760 CMR 69.00 **describes the process by which Municipalities may propose, for review and approval by EOHLC, new Starter Home zoning provisions that allow As-of-right development of modest-size single-family homes up to 1,850 square feet,** including homes affordable to households with annual incomes less than 110% of the Area Median Income, at a minimum density of four units per net acre of Developable Land within corresponding, EOHLC-approved base or overlay zoning districts.



List of Key Definitions - 760 CMR 69.02

- | | | |
|--|---|--|
| 1. Additional Municipal Standards | 14. Historic District | 27. Render Development Infeasible |
| 2. Approved District | 15. Incentive Units | 28. Site Plan Review |
| 3. As-of-right | 16. Infrastructure | 29. Start of Construction |
| 4. Bonus Unit | 17. Income Restricted/Restriction | 30. Starter Home |
| 5. Capital Funds | 18. Letter of Approval | 31. Starter Home ADU |
| 6. Certificate of Revocation | 19. Letter of Eligibility | 32. Starter Home Zoning |
| 7. Dedicated Open Space | 20. Letter of Noncompliance | 33. Starter Home Zoning Application |
| 8. Design Standards | 21. Mixed-use Development | 34. Substantially Developed Land |
| 9. Developable Land | 22. Permitted Use Restriction | 35. Sustainable Development Standards |
| 10. District | 23. Plan Approval Authority | 36. Underlying Zoning |
| 11. Existing Zoned Units | 24. Production Bonus Payment | 37. Underutilized Land |
| 12. Future Zoned Units | 25. Prohibited Occupancy Restriction | 38. Unreasonably Impair |
| 13. Heated Living Area | 26. Project | 39. Zoning Incentive Payment |



40Y Draft Regulations – 69.02: Definitions

- **Additional Municipal Standards**. A municipal environmental or health ordinance, agreement, bylaw, or regulation that exceeds applicable requirements of state law or regulation.
- **Render Development Infeasible**. To prevent or make physically or economically impracticable the development of residential or Mixed-use Development Projects at the As-of-right residential density set forth in- the Starter Home Zoning.
- **Associated Requirement under 760 CMR 69.03(3)(K). Additional Municipal Standards**. *The District shall not be subject to any municipal environmental or health ordinances, by-laws or regulations that exceed applicable requirements of state law or regulation that would Render Development Infeasible, as determined by EOHLC.*



40Y Draft Regulations – 69.02: Definitions

- **Bonus Unit**. A Starter Home developed as part of a Project within a District **in excess of the number of Existing Zoned Units for the same parcel**. Units proposed or developed under a comprehensive permit pursuant to MGL c. 40B shall not qualify as Incentive or Bonus Units.
- **Existing Zoned Units**. For a given parcel or area of Developable Land within a District, the maximum number of housing **units that could feasibly be developed As-of-right under the Underlying Zoning**, including any overlay zoning, in effect prior to the adoption of Starter Home Zoning. The calculation of Existing Zoned Units shall take into consideration any existing, or recently demolished housing units within a District regardless of whether they could be developed As-of-right under currently applicable Underlying Zoning if such housing could nonetheless be rebuilt by-right as, for example, lawfully nonconforming existing housing units.



40Y Draft Regulations – 69.02: Definitions

- **Future Zoned Units**. For a given parcel or area of Developable Land within a District, **the maximum number of housing units that could be developed As-of-right under the Starter Home Zoning.**
- **Incentive Units**. For a given parcel or area of Developable Land within a District, **the number of Future Zoned Units, less the number of Existing Zoned Units** for the same parcel or area of land, provided that the number of Incentive Units may be increased by the amount, if any, by which the number of housing units actually developed under the Starter Home Zoning exceeds the difference between the number of Future Zoned Units and the number of Existing Zoned Units for the same parcel or area of land.



40Y Draft Regulations – 69.02: Definitions

- **Heated Living Area**. Shall include all **conditioned area**, which is that area within a building provided with heating and/or cooling systems or appliances capable of maintaining, through design or heat loss/gain, 68°F (20°C) during the heating season and/or 80°F (27°C) during the cooling season, or has a fixed opening directly adjacent to a conditioned area. **See 780 CMR 5202.**



40Y Draft Regulations – 69.02: Definitions

- **Permitted Use Restriction**. A restriction on any person who owns or leases a Starter Home related to its use, which **shall include restrictions on short-term and seasonal rentals**.
- **Prohibited Occupancy Restriction**. A restriction on ownership, leasing, or occupancy of a Starter Home **based on a protected class** under state or federal law such as race, national origin, religion, disability, age, sexual orientation, or gender identity, **and on other criteria as may be determined by EOHLC**, such as familial relationship. Prohibited Occupancy Restrictions shall not include restrictions based on an Income-restriction.



40Y Draft Regulations – 69.02: Definitions

- **Starter Home**. A single-family home not exceeding 1,850 square feet in Heated Living Area, not including any associated Starter Home Accessory Dwelling Unit.
- **Starter Home Accessory Dwelling Unit**. For the purposes of a District, a dwelling unit, not exceeding 600 square feet, on the same lot as a Starter Home.
- **Associated Requirement under 760 CMR 69.03(3)(I).** *Starter Home Accessory Dwelling Units. Starter Home Zoning shall not unreasonably restrict, or require a special permit or other discretionary zoning approval for, the use of land or structures for development of Starter Home Accessory Dwelling Units and shall comply with the provisions of M.G.L. c. 40A §§ 1A and 3 and any applicable regulations and guidance that may be promulgated.*



40Y Draft Regulations – 69.02: Definitions

- **Start of Construction**. With respect to an Approved District, the commencement of construction activity, such as the pouring of foundations or footings, utility relocation, or the remediation of hazardous materials within an Approved District on a Project or on a Planned Infrastructure upgrade identified in the Municipality's Starter Home Zoning Application, provided that such construction is continued through to completion of a Project.
- **See related reference under 69.06**



40Y Draft Regulations – 69.02: Definitions

- **Sustainable Development Standards**. Provisions approved by EOHLC and applicable under the Starter Home Zoning, including, but not limited to, requirements that new development projects: (i) minimize site disturbance, (ii) permanently preserve undeveloped open space to the greatest extent practicable, and (iii) collect and manage storm water runoff in accordance with low impact development practices.

Starter Home Zoning Requirements 760 CMR 69.03



40R Draft Regulations – 69.03: Starter Home Zoning Requirements



- **69.03 (1) Application for Preliminary Determination of Eligibility for Starter Home Zoning** – A complete application will be required and include:
 - A map of the proposed District.
 - A map and narrative of the Developable Land Area within the proposed District.
 - The proposed Starter Home Zoning.
 - Any other narratives and exhibits as specified in a form required by EOHLC and necessary to confirm compliance.
- **69.03(2) Letter of Eligibility** – To issue a Letter of Eligibility under 760 CMR 69.04(1), or a Letter of Approval under 760 CMR 69.04(3), EOHLC must find that a proposed District satisfies each of the relevant requirements set forth in 760 CMR 69.03(3). EOHLC may approve, disapprove, or approve with conditions, a request for the determination of eligibility for a District.

40R Draft Regulations – 69.03: Starter Home Zoning Requirements



69.03 (3) Requirements:

Density.

- Unless EOHLC approves otherwise, SHZD boundaries must follow parcel lines.
- 50% of units in District must contain 3+ bedrooms.
- With EOHLC approval, SHZD may allow but not require limited non-residential use.

Income-Restricted Units.

- Starter Home Zoning may not provide for payment-in-lieu of Income-Restricted Units.
- Municipality may encourage but not require additional affordability.
- Income-Restricted Units equitably integrated and dispersed throughout Project.
- Provisions to ensure effective monitoring and enforcement for 30-year term.

40R Draft Regulations – 69.03: Starter Home Zoning Requirements



69.03 (3) Requirements:

Site Plan Review and Design Standards.

If required, must specify:

- composition of Plan Approval Authority.
- Categories of Projects that subject to Site Plan Review (SPR).
- Procedures for SPR, including contents of application for approval.
- Criteria for disapproval, approval, approval with conditions.
- Criteria for waiver.
- Any Design Standards not in Starter Home Zoning must be approved by EOHLC.

40R Draft Regulations – 69.03: Starter Home Zoning Requirements



69.03 (3) Requirements: (Site Plan Review and Design Standards. (Continued)

Design Standards may address:

- scale, proportions, and exterior appearance of buildings;
- placement, alignment, width, and grade of streets and sidewalks;
- type and location of Infrastructure;
- location of building and garage entrances;
- off-street parking;
- protection of significant natural site features;
- location and design of on-site Dedicated Open Spaces, landscaping, and exterior signs;
- and buffering in relation to adjacent properties.

Design Standards must be objectively articulated so compliance can be reasonably interpreted and measured, and they may not Unreasonably Impair Projects.

40R Draft Regulations – 69.03: Starter Home Zoning Requirements



69.03 (3) Requirements: (Site Plan Review and Design Standards. (Continued)

Starter Home Zoning to Be All-Inclusive.

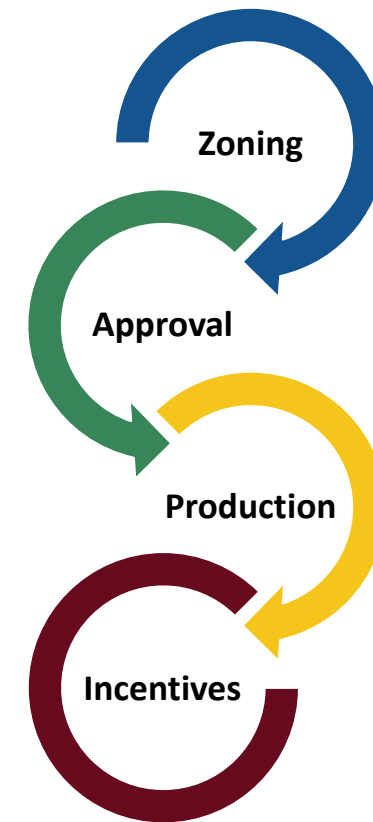
The development of a Project within a District shall be governed solely by the Starter Home Zoning, without any reference to the standards or procedures of any Underlying Zoning that would otherwise be applicable to developments within the same geographic area as the District.

Without limitation, the Starter Home Zoning shall set out the dimensional, use, parking, and other standards applicable to Projects within the District, including but not limited to height limits, setbacks, lot areas, lot dimensions, unit to lot ratios, floor area ratios, lot coverage ratios, open space ratios, parking ratios, parking locations, and roadway design standards.



Procedures

760 CMR 69.04



40R Draft Regulations – 69.04: Procedure for Approval...



69.04(1) – Preliminary Determination of Eligibility.

- EOHLC makes determination prior to municipal vote.
- 45-day determination period upon receipt of a complete application.
- Constructive approval if determination not issued within 45-day period without mutual agreement to extend review period.
- EOHLC discretion to treat proposed District near approved District as amendment rather than separate district.
- EOHLC may place conditions on eligibility determination including those that may need to be satisfied before issuing some or all Zoning Incentive Payments for which a municipality may be eligible for upon issuance of Letter of Approval.

40R Draft Regulations – 69.04: Procedure for Approval...



69.04(2) – Municipal Adoption of Starter Home Zoning.

- Following receipt of EOHLC's preliminary determination of eligibility, the Municipality must formally adopt its Starter Home Zoning pursuant to M.G.L. c. 40A, § 5 and M.G.L. c. 40Y § 2(a) prior to final Starter Home Zoning approval by EOHLC. The Municipal vote to adopt the Starter Home Zoning must occur within three years of the date of the Letter of Eligibility.



40R Draft Regulations – 69.04: Procedure for Approval...

69.04(3) – Final Starter Home Zoning Approval by EOHLC.

- Submission by Municipality. Upon adoption of the Starter Home Zoning, Municipality submits proof of adoption on a form provided by EOHLC.
- EOHLC Review. EOHLC issues Letter of Approval/Denial within 30 days.
- Letter of Approval. If submission satisfies approval criteria set forth in 760 CMR 69.03(3), as well as applicable conditions in Letter of Eligibility, EOHLC will issue a Letter of Approval which will specify number of Incentive Units and amount of Zoning Incentive Payment to Municipality.
- Changes to Starter Home Zoning. Municipality must identify any differences between the Starter Home Zoning that was determined eligible and the adopted zoning.
- Constructive Approval. If constructive approval due to EOHLC's failure to act within 30 days, Municipality may request issuance of a Letter of Approval within 30 days of constructive approval. EOHLC will issue within 21 days thereafter.



Payments & Annual Updates 760 CMR 69.05 & 760 CMR 69.06



40Y Draft Regulations – 69.05: Payments and Repayments



Zoning Incentive Payments.

- Letter of Approval shall entitle Municipality to Zoning Incentive Payment for District in accordance with schedule set out in M.G.L. c. 40R § 9, subject to appropriations availability and provided any applicable conditions have been met.

Production Bonus Payments.

- Subject to any associated conditions, applicable documentation, and appropriations availability, upon issuance of building permit for one or more Bonus Units within Approved District, Municipality is eligible for \$3,000 for each Bonus Unit.

Use of Zoning Incentive Payments and Production Bonus Payments.

- EOHLC may place conditions on use of such funds. Any Capital Funds are restricted to Capital Expenditures.



40Y Draft Regulations – 69.06: Annual Updates

Annual Update by Municipality.

- On or before July 31st of each year Municipality must submit an Annual Update on a form prescribed by EOHLC.
- The information required includes a brief written narrative providing any updates, documentation pertaining to any approved, permitted, or completed Projects
- If an approved SHZD does not result in Starter Home building/occupancy permits within respective timeframes, the municipality will be required to provide evidence of project-related construction (e.g., infrastructure upgrades/relocation) to avoid the risk of repayment of any associated Zoning Incentive Payment received or further conditions pertaining to any such pending payment.



Waiver

760 CMR 69.07





Waiver.

The Secretary of EOHLC may waive, in writing, any provision of 760 CMR 69.00 not required by statute on findings that such waiver is consistent with the purposes set out in M.G.L. c. 40Y and 760 CMR 69.00 and that desirable relief in the public interest will be accomplished through such waiver.



3.

Additional Information & Supports



Additional Supports

1. Public Comment Period: June 20 – July 25. submit your comments at www.mass.gov/starterhomes.
2. Early fall anticipated Final 40Y regulations
3. EOHLC: Continued **technical assistance** to amend/adopt zoning.
4. Preliminary Determination of Eligibility application forms and SHZD zoning template are in development.
5. Other expanded guidance on administration.

For More Information



Webpage: mass.gov/starterhomes

Emails: william.reyelt@mass.gov