

760 CMR 73.00: PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF REGULATIONS

Section

73.01: Scope and Purpose

73.02: Petitions for the Adoption, Amendment or Repeal of Regulations

73.03: Procedures to Handle Petitions for the Adoption, Amendment or Repeal of Regulations

73.01: Scope and Purpose

760 CMR 73.00 is adopted by the Executive Office of Housing and Livable Communities (EOHLC) pursuant to M.G.L. c. 30A, § 4 and prescribes the procedures for the submission, consideration and disposition of petitions of interested persons for the adoption, amendment or repeal of regulations.

73.02: Petitions for the Adoption, Amendment or Repeal of Regulations

- (1) Any interested person may, at any time, petition the EOHLC to adopt, amend or repeal any regulation. The petition shall be sent by certified mail, return receipt requested to the following address: Executive Office of Housing and Livable Communities, Office of the General Counsel, 100 Cambridge Street, Boston, MA 02114.
- (2) For purposes of 760 CMR 73.03, the computation of time for action on the petition shall start upon receipt of the petition by the EOHLC.
- (3) All petitions shall be signed by the petitioner or the petitioner's designee, and include the following information:
 - (a) The name and address of the petitioner and the petitioner's designee or attorney;
 - (b) The substance of and reasons for the requested adoption, amendment or repeal of a regulation;
 - (c) The specific interest of the petitioner affected by the requested regulation, if any;
 - (d) Reference to the statutory authority under which the EOHLC may take the requested action; and
 - (e) Such data, documents, views and arguments as the petitioner believes is pertinent to the request.

73.03: Procedures to Handle Petitions for the Adoption, Amendment or Repeal of Regulations

- (1) The Secretary of EOHLC, or their designee, shall respond within 90 days of receipt of the petition, and in their sole discretion advise the petitioner whether or not it will take any action on the petition. Such action may include, without limitation:
 - (a) notifying the petitioner in writing of the scheduling of further proceedings in accordance with M.G.L. c. 30A;
 - (b) notifying the petitioner in writing that no action will be taken on the petition;
 - (c) notifying the petitioner that the petition fails to conform to the requirements of 760 CMR 73.02 in which case any response by EOHLC is postponed pending redrafting or supplementation of the petition to meet stated deficiencies;
 - (d) such other response as EOHLC may determine, in its sole discretion, appropriate.
- (2) The response provided to the petitioner pursuant to 760 CMR 73.03(1) shall be in writing and sent by certified mail, return receipt requested, to the address provided by the petitioner, with copy to their counsel, if applicable.
- (3) In providing a response pursuant to 760 CMR 73.03(1), EOHLC may consider the petition as well as any other sources of information it may deem pertinent.
- (4) At any time, and for any reason, EOHLC may amend a response taken under 760 CMR 73.03(1), including a change that results in EOHLC taking no further action on the petition.
- (5) EOHLC may, but is not required to, explain the reasons for any response to a petition.

760 CMR: EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

73.03: continued

(6) EOHLC may, in its sole discretion, extend the time for a response under 760 CMR 73.03(1), provided that the petitioner is notified in writing in accordance with 760 CMR 73.03(2) of such extension.

REGULATORY AUTHORITY

760 CMR 73.00: M.G.L. chs. 23B and 40B; M.G.L. c. 30A, § 4.