

Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

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

December 6, 2024

Dear Cities, Towns, Elected Officials, Local Leaders, and Massachusetts Residents:

The Healey-Driscoll Administration is committed to promoting housing production in Massachusetts to tackle our housing and affordability crises. The signing of the Affordable Homes Act (the ‘Act’) on August 6, 2024 – the most ambitious housing legislation in state’s history – established a new law enabling property owners to build Accessory Dwelling Units (ADUs) ‘by right’ in all single family zoning districts statewide. ADUs will help meet the state’s growing housing needs and play a pivotal role in housing production in our state over the next five years, creating an estimated 8,000 – 10,000 new units of housing.

Today, the Executive Office of Housing and Livable Communities (EOHLC) is releasing draft regulations intended to provide clarity on the administration of the new ADU law. EOHLC intends to issue final regulations by the effective date of the ADU law, February 2, 2025. This effective date was set in the Act, approved by the Legislature, and enacted by Governor Healey. As we develop the regulation to implement this new law, we look forward to receiving public comment from our cities and towns, community leaders, and residents of the Commonwealth on the draft regulations.

Public Comment Period

EOHLC will open an official public comment period from December 20 to January 10, and will host a public hearing (with options for in-person or remote attendance) on January 10, 2025. We are committed to having as robust an engagement process as possible and have final regulations before the effective date of the law. Please submit written comments during the comment period by visiting www.mass.gov/adu.

Engagement Opportunities

In the coming weeks, we will provide opportunities for you to learn about the draft regulations and share your feedback with the ADU regulation team:

- **December 6** – EOHLC releases ADU Draft Regulations.
- **December 10 and 16** – Public informational webinars, sign-up at www.mass.gov/adu
- **December 20** – Public comment period starts. There will be an online comment form available on December 20, 2024 at www.mass.gov/adu
- **January 10** – Public Hearing. Speaker sign-up will be posted at www.mass.gov/adu in January.
- **January 10, 11:59 pm** – The public comment period closes.

Additional Topics of Consideration

The draft regulations address many key issues but we anticipate that further adjustments may be needed to provide the clarity and predictability needed by local administrators and property owners. To that end, EOHLC is particularly interested in feedback on how (if at all) the regulations should address the following topics:

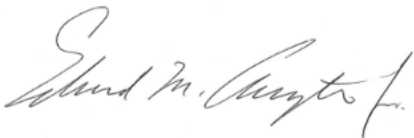
- **Pre-existing Nonconformities:** How pre-existing nonconformities should be addressed

- **Dimensional Standards:** How to apply standards that enable ADU construction
- **Utility Connections:** Addressing separate or joint utility connections, especially water and sewer
- **Fees/Charges:** Application and calculation of impact fees and utility connection charges
- **Addresses:** Addressing of accessory dwelling units

EOHLC welcomes comments on how to clarify the distinction and ensure consistency, either through these regulations or through further guidance.

Thank you for all you do for your community. We look forward to receiving and reviewing your comments, and to continue to work together to create a stronger, more livable Massachusetts where everyone, at all stages of life, can afford to live.

Sincerely,

A handwritten signature in cursive script, reading "Edward M. Augustus, Jr.".

Edward M. Augustus, Jr.
Secretary, EOHLC