Floodplains and Section 3A

As communities across Eastern and Central Massachusetts update their zoning codes to achieve compliance with Section 3A/MBTA Communities and maintain compliance with National Flood Insurance (NFIP) requirements, there are special considerations when Floodplain and 3A-compliant districts interact. Below please find several frequently asked questions about Section 3A and NFIP zoning. Please reach out to EOHLC3A@mass.gov and the DCR Flood Hazard Management program with any questions.

Can a community meet the requirements of both the National Flood Insurance Program and Section 3A?

Yes!

Can 3A-compliant districts and Floodplain Protection Districts overlap?

Yes, but best practice is to avoid overlap. There are additional considerations when there is overlap. If the floodplain protection district requires a special permit, this would conflict with the as-of-right requirement of Section 3A. This can be resolved by removing the special permit requirement and transitioning to a different permitting pathway. Additionally, if there are restrictions on floodplain development in your community, these restrictions will need to be considered during 3A compliance review.

Any changes to the floodplain protection district will need to be reviewed by the DCR Flood Hazard Management Program to ensure compliance with National Flood Insurance Program (NFIP) requirements. These requirements can be met by adopting the Massachusetts model Flood Zoning Bylaw in its entirety.

Any changes to the zoning code once after 3A compliance is achieved will need to be reviewed to maintain 3A compliance in accordance with 760 CMR 72.10 (the 3A Regulations). The 2026 Massachusetts model Flood Zoning Bylaw as written is generally compliant with Section 3A.

What other permitting options exist that will comply with the National Flood Insurance Program and Section 3A?

Generally, a non-discretionary permitting process that does not occur within a special permit process can comply with Section 3A. One option includes having a floodplain permit for all work in the floodplain where review is coordinated by the community's designated Floodplain Administrator. The Floodplain Administrator can also coordinate interdepartmental review through paper or online permitting processes.

For examples of non-discretionary floodplain permitting processes, please contact the DCR Flood Hazard Management program

Floodplain maps change over time. How can a community future-proof their floodplain protection bylaw against conflict with Section 3A?

Don't require a special permit or discretionary permit process! Generally, floodplain bylaws that do not require special permits should not conflict with 3A compliance, so by not requiring one now, a community won't have to worry about the districts overlapping in the future.

If a 3A-compliant district exempts the 3A-compliant district from the special permit requirement of the floodplain protection district, is this sufficient for 3A compliance?

As communities update their floodplain protection bylaws to the 2026 model bylaw, the abrogation section of the updated bylaw may conflict with this exemption within the 3A-compliant district. It is recommended to discuss this with your City Solicitor or Town Counsel, DCR and EOHLC to ensure that 3A compliance is not affected by updates to the floodplain bylaw. As zoning laws are changed, these changes will need to be reviewed to maintain 3A compliance in accordance with 760 CMR 72.10: Ongoing Obligations.