



November 10th, 2025
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Secretary Edward Augustus
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ACE Comments on MEPA regulations 301 CMR 11.00

Thank you for the opportunity to comment. On behalf of Alternatives for Community & Environment (ACE), a 30+ year old environmental organization based in Roxbury, we offer the following comments and recommendations to protect our communities, our environment, and to advance the production of housing that Environmental Justice (EJ) communities so desperately need.

ACE strongly supports the principle that state regulations should incentivize and support the speedy build out of good projects. However, we have serious concerns that the proposed exemption of certain housing projects from Environmental Impact Report (EIR) requirements, particularly in EJ communities, will undermine the core principles of environmental justice, and actively work against the state's obligation to Affirmatively Further Fair Housing (AFFH).

We urge the MEPA Office to amend the proposal to 1) formally incorporate AFFH into priority housing project criteria, and 2) ensure that any "fast track" exemptions both do not exacerbate harms on communities *and* proactively contribute to meaningful addressing our housing crisis.

The Importance of Protecting Environmental Justice Communities

Environmental Justice communities across Massachusetts, from Roxbury and Chelsea to Lawrence and Springfield, are not just areas with high minority or low income populations, they are communities that have historically borne a disproportionate burden of pollution, environmental hazards, and systemic disinvestment. Decades of discriminatory policies, from redlining to the siting of major highways and industrial facilities, have created a landscape of cumulative environmental impacts that directly harm public health. The overlap between burdened areas and EJ communities in the Office of Environmental

Justice and Equity’s draft [MassEnviroScreen](#) demonstrates the need for particular attention on development in these neighborhoods.¹ The principle of environmental justice demands that these communities receive *more* protection, not less. Fast tracking projects without adequate environmental review and community input, risks adding to and exacerbating environmental stressors, further endangering the health and well-being of residents.

The proposed process and criteria would be a regression from an only recently instituted status quo. Replacing an EIR with a simple ENF would drastically reduce environmental scrutiny and opportunities for community engagement. ACE is supportive of the Mass Rivers Alliance led coalition letter which contains a number of specific recommendations on updating the criteria to ensure a high standard of “presumed to not cause damage to the environment”. Even with more updated robust criteria, an ENF is insufficient in terms of community engagement and opportunities for local residents to highlight impacts that may not be captured in ENF and does not provide sufficient time to incorporate any development changes to address community concerns. We strongly oppose the provision that would not require an EIR for projects simply because it is within an EJ community.

Instead, we propose:

1. Replacing the ENF with an Expanded ENF: For projects meeting the housing criteria, require an Expanded Environmental Notification Form. This would mandate additional detail on potential community impacts and proposed mitigation, allowing for more meaningful public and agency review without the full timeline of an EIR.
2. Mandating Advance Stakeholder Engagement: Require projects that would have triggered an EIR due to EJ proximity to conduct good-faith, advance stakeholder engagement, using successful models from the MVP 2.0 or clean energy siting processes. We recommend at least a 45 day notification period that includes proactive outreach strategies and reporting back on that engagement.

Addressing Our State’s Housing Crisis

Minority and low income communities dealing with environmental burdens are the same communities that are on the frontlines of the housing crisis, dealing with the impacts of rising costs and displacement. The Commonwealth’s 2019 *Analysis of Impediments to Fair Housing Choice* (AI) provides a clear roadmap for its legal mandate to Affirmatively Furthering Fair Housing (AFFH).

The report identifies 38 impediments to AFFH, including:

- “7. Displacement of residents due to economic pressures
- 8. Availability of affordable units in a range of sizes
- 9. Lack of affordable, accessible housing in a range of unit sizes
- 16. Location and type of affordable housing
- 20. Location of environmental health hazards”²

¹ <https://profluna.github.io/MassEnviroScreen/>

² <https://www.mass.gov/doc/analysis-of-impediments-action-steps-table-2019/download>

The report identifies as a number of goals and action steps to address these impediments, including prioritizing investments in affordable, multi-family housing.

The proposed MEPA exemption, both lacks any mandatory affordability requirements and sufficient protection from environmental hazards, directly threatening AFFH. By fast tracking market rate development in EJ areas without a thorough environmental review, the proposal invites speculative development that increases land values and property taxes, placing immediate pressure on existing low income residents and small landlords. To the extent any project gets preferential treatment in the MEPA process, particularly in EJ communities, it is essential to assess whether it supports the state's AFFH goals. Granting exemptions without affordability provisions ignores this critical function and will accelerate the displacement of the very communities the state has pledged to support.

The MEPA process is one of the few tools communities have to ensure a comprehensive, independent analysis of a project's potential impacts. It provides a vital platform for public participation and can mandate concrete mitigation measures. For EJ communities, this is not a bureaucratic hurdle; it is a shield. We request that the regulations be redrafted to address ours and others concerns for further public feedback and input.

We respectfully recommend the following amendments to the proposed regulations:

1. Incorporate AFFH Explicitly: Amend 301 CMR 11.00 to state that the MEPA review process shall consider a project's consistency with the Commonwealth's obligation to Affirmatively Further Fair Housing, as defined in the most recent *Analysis of Impediments*.
2. Fast track available *only* to projects that demonstrably further AFFH goals, such as:
 - Projects with a % of the units are designated as affordable for low and moderate-income households.
 - Projects that produce multifamily units
 - Preservation projects that maintain or increase the number of affordable units with no net displacement.
 - Projects in designated "opportunity areas" that include a binding commitment to a robust tenant mobility or affirmative marketing program.

Thank you for considering our comments. We believe that MEPA can both facilitate responsible housing production and uphold the Commonwealth's commitments to environmental justice and fair housing. We look forward to continued opportunities to provide feedback on proposals to update MEPA regulations.

Sincerely,

Tristan Thomas

Director of Policy

Alternatives for Community & Environment (ACE)