



Citizens' Housing and Planning Association

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November 10, 2025

The Honorable Rebecca Tepper

Secretary

Executive Office of Energy and Environmental Affairs

100 Cambridge Street, Suite 1020

Boston, MA 02114

**Re: Comments on Proposed Amendments to 301 CMR 11.00—  
MEPA Regulations**

Dear Secretary Tepper:

On behalf of Citizens' Housing and Planning Association ("CHAPA"), I am writing to share comments on your agency's proposal to amend the Massachusetts Environmental Protection Act ("MEPA") regulations, 301 CMR 11.00, to streamline MEPA review of qualifying housing and mixed-use projects. Thank you for the opportunity to provide feedback on these proposed amendments. CHAPA greatly appreciates the time and consideration your staff has already invested in drafting them.

**I. Background**

CHAPA's mission is to encourage the production and preservation of Massachusetts homes that are affordable to people with low and moderate incomes and to foster diverse and sustainable communities across the Commonwealth through planning and community development. At CHAPA, we believe that everyone should have a safe, healthy, accessible, and affordable home in the community they choose.

Housing is the best investment we can make for the future of Massachusetts. The Commonwealth needs 222,000 new homes by 2035 to stabilize home prices and rents. To ensure that people across income levels benefit from this production push, it is vital to produce homes across income levels, including at least 40,000 affordable homes and 20,000 deeply affordable homes.

The Commonwealth's housing shortage and high housing costs are holding it back from building a bright future. Massachusetts consistently ranks near the top

on the list of states with the most expensive housing costs in the country.<sup>1</sup> Ever-increasing home prices have created an enormous barrier to home ownership in the Commonwealth,<sup>2</sup> especially for younger people<sup>3</sup> and people of color.<sup>4</sup> And consistently high rent burdens<sup>5</sup> are forcing families to make sacrifices on other essentials like food and healthcare.<sup>6</sup>

The Healey-Driscoll Administration has long made addressing our affordable housing shortage one of its key priorities. As part of its commitment to housing, the Administration created the Unlocking Housing Production Commission (“UHPC”) in 2024 and tasked it with recommending “strategies to address the state’s housing challenges.”<sup>7</sup> The UHPC fulfilled that mandate in February 2025, issuing report called *Building for Tomorrow* with “over 50 recommendations to

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<sup>1</sup> See, e.g., Shannon Larson, *Massachusetts has the second highest cost of living in the country, new study says*, BOS. GLOBE, July 19, 2024, <https://www.bostonglobe.com/2024/07/19/metro/massachusetts-cost-of-living-data/> (citing both median home price and median monthly housing cost).

<sup>2</sup> See Margie Cullen, *Want to buy a house in Massachusetts? You’ll need to earn the highest amount of any state*, TELEGRAM & GAZETTE, Aug. 7, 2025, <https://www.telegram.com/story/lifestyle/real-estate/2025/08/07/looking-to-buy-a-home-in-ma-heres-how-much-youll-need-to-make/85538341007/>.

<sup>3</sup> See Scooty Nickerson, *Home buying is tougher for young adults in Mass. than it is almost anywhere else in the country*, BOS. GLOBE, Aug. 13, 2025, <https://www.bostonglobe.com/2025/08/13/data/massachusetts-young-homeownership-rate/>.

<sup>4</sup> See Tiana Woodard, *First-time home buyer programs help, but racial gaps persist, new report finds*, BOS. GLOBE, Sep. 13, 2023, <https://www.bostonglobe.com/2023/09/13/metro/first-time-home-buyer-ma-racial-wealth-gap/?p1=Article Inline Text Link>.

<sup>5</sup> See *Renter Cost Burdens, States*, Harvard Joint Center for Housing Studies, last visited Sept. 9, 2025, [https://www.jchs.harvard.edu/ARH\\_2017\\_cost\\_burdens\\_by\\_state\\_total](https://www.jchs.harvard.edu/ARH_2017_cost_burdens_by_state_total) (showing that nearly half of Massachusetts renters are “cost burdened,” meaning that they spend more than 30% of their income on rent).

<sup>6</sup> See Sophia Wedeen, *High Housing Costs are Consuming Household Incomes*, HARVARD JOINT CENTER FOR HOUSING STUDIES, June 12, 2024, <https://www.jchs.harvard.edu/blog/high-housing-costs-are-consuming-household-incomes>.

<sup>7</sup> Press Release, Governor Healey Swears in Housing Advisory Council and Commission on Unlocking Housing Production (Jan. 29, 2024), <https://www.mass.gov/news/governor-healey-swears-in-housing-advisory-council-and-commission-on-unlocking-housing-production>.

increase the supply of housing and lower costs for Massachusetts residents.”<sup>8</sup> Said recommendations included suggested changes to the MEPA regulations.

In 2021, Massachusetts passed the Climate Roadmap Act (“CRA”)—legislation requiring developments subject to MEPA review to submit environmental impact reports (“EIRs”) if those developments are: (1) “likely to cause damage to the environment;” and (2) “located within ... 1 mile of an environmental justice population.”<sup>9</sup> Environmental justice (“EJ”) populations, as defined by the CRA, consist of lower-income areas and communities of color that have historically faced disproportionate environmental burdens. The Executive Office of Environmental Affairs (“EEA”) thereafter amended the MEPA regulations to implement this and other new requirements.

Those amendments added a clause to the regulations stating that the “Secretary shall require an EIR for any Project that is located within a Designated Geographic Area around an Environmental Justice Population.”<sup>10</sup> They likewise defined “Designated Geographic Area” as “the area within one mile” of the EJ population.<sup>11</sup> Together, these additions to the regulations create an automatic EIR requirement for any MEPA project located within one mile of an EJ population regardless of whether the second relevant factor stated in the CRA—that the project is “likely” to cause environmental damage—is satisfied.

As the UHPC report explains, “[a]n EIR is a more detailed and costly analysis compared to an Environmental Notification Form (ENF), which is a preliminary review that typically involves less time and expense.”<sup>12</sup> An EIR is usually only automatically required when a MEPA project meets certain high-impact environmental thresholds, like when there is a “[d]irect alteration of 50 or more

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<sup>8</sup> Press Release, Executive Office of Housing and Livable Communities, Unlocking Housing Production Commission Releases Recommendations for Producing More Housing, Lowering Costs (Feb. 21, 2025), <https://www.mass.gov/news/unlocking-housing-production-commission-releases-recommendations-for-producing-more-housing-lowering-costs>.

<sup>9</sup> An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy, 2021 Mass. Acts ch. 8, § 58.

<sup>10</sup> 301 CMR 11.06(7)(b).

<sup>11</sup> 301 CMR 11.02(2).

<sup>12</sup> UNLOCKING HOUSING PRODUCTION COMMISSION, BUILDING FOR TOMORROW: RECOMMENDATIONS FOR ADDRESSING MASSACHUSETTS’ HOUSING CRISIS 56 (Feb. 2025), <https://www.mass.gov/doc/building-for-tomorrow-a-report-from-the-unlocking-housing-production-commission/download>.

acres of land.”<sup>13</sup> Otherwise, EIRs come into play where a review of the project’s ENF indicates that the project is “likely” to damage the environment.

This standard rule—that rigorous EIR review is triggered only when environmental damage is “likely”—makes sense because the EIR process “adds significant risk, time, and cost to development projects” which can render them “infeasible.”<sup>14</sup> This is probably why the CRA listed “likely” environmental damage as a factor in triggering EIR reviews for projects close to EJ communities.

The regulations nevertheless omit the environmental damage factor and create an automatic EIR requirement for any MEPA project in close proximity to EJ communities. In doing so, according to the UHPC Report, “the result is less housing production in areas where it is needed most”—the low-income and vulnerable EJ communities themselves.<sup>15</sup>

Based on this, the UHPC report recommends that: “[t]he Commonwealth should exempt housing projects from conducting an EIR if the EIR is solely required based on the project’s proximity to an EJ community” and “instead require that the project conducts an ENF while ensuring the same amount of outreach to EJ communities as required under the existing EIR process.”<sup>16</sup>

## **II. Feedback on the Proposed Regulations**

CHAPA strongly believes that EJ populations deserve significant protection from the potential environmental impacts that large-scale projects and other kinds of development can create. Simultaneously, as we work to solve an affordable housing shortage that also causes disparate harm to EJ communities, it is critical to ensure that our regulatory environment does not prevent or delay the creation of new, affordable housing for the benefit of those communities.

The proposed amendments strike an appropriate balance between those two goals. They start by identifying a long list of factors that, when present in a proposed housing development, indicate that the project is *not likely* to cause damage to the environment. Those factors include things like compliance with state energy efficiency standards and location outside the highest flood hazard areas. The regulations then provide that projects meeting *all* those thoughtfully chosen environmental criteria—or a selection of the criteria if the project avoids

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<sup>13</sup> 301 CMR 11.03(1)(a)(1).

<sup>14</sup> BUILDING FOR TOMORROW, *supra* note 12 at 58.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 59.

triggering any other automatic EIR thresholds—are exempt from the automatic EIR requirement for projects within one mile of EJ communities.

By exempting only those housing projects that carry certain indicators of lack of environmental harm, the regulations not only establish important environmental protections for housing projects near EJ communities, but they also streamline the review process in a way that can ultimately boost the housing stock in those communities. Each of these goals is critical to the health, safety, and wellness of EJ populations and CHAPA applauds EEA for its careful work to foster both.

As a final point, given that some projects within one mile of EJ populations will now be exempt from automatic EIR review, it will be vital to ensure that EJ communities have fair notice of these projects and opportunity to weigh in on them. CHAPA encourages EEA to consider ways that it can bolster the notice and public engagement provisions to make them as robust as possible while maintaining the regulatory commitment to a streamlined process.

### **Conclusion**

We look forward to our continued collaboration with the Healey-Driscoll Administration in the mission to expand and preserve affordable housing options so that everyone in the Commonwealth has a safe, healthy, and affordable place to call home. If you have any questions, please do not hesitate to contact Matt Noyes, CHAPA's Director of State and Federal Advocacy, at [mnoyes@chapa.org](mailto:mnoyes@chapa.org). Thank you again for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Heller".

Rachel Heller  
CEO