

November 10, 2025

Massachusetts Environmental Policy Act (MEPA) Office
100 Cambridge Street, 10th Floor
Boston, MA 02114
ATTN: Tori Kim (MEPA Director)

RE: 301 CMR 11.00: MEPA Regulations

Dear Director Kim,

On behalf of the twelve thousand members of the Greater Boston Real Estate Board (GBREB) and twenty-two thousand members of the Massachusetts Association of REALTORS®, we express our general support for above-numbered regulatory amendments to streamline Massachusetts Environmental Policy Act (MEPA) review of qualifying housing and mixed-use projects to meet the Commonwealth's housing production and climate goals. These amendments take vital steps to actualize the Unlocking Housing Production Commission's "A Home for Everyone" recommendations¹ and, as described below, can incentivize increased housing supply at all price points across the Commonwealth. That said, the MEPA Office should consider additional flexibility with respect to density, floodplain and stretch energy code requirements as discussed below.

While MEPA's review of a project's environmental impacts remains a key method of meeting the Commonwealth's climate and greenhouse gas reduction goals, the complexity and length of MEPA review has often served as a barrier to much-needed housing production in the Commonwealth. This exacerbates our housing supply crunch by contributing to time- and risk-based capital premiums that depress development.²

The proposed MEPA amendments propose an expedited 30-day Environmental Notification Form (ENF) for "qualifying housing projects" that previously required a full Environmental Impact Review, which could take 9-12 months to complete. The definition of "qualifying housing projects" encapsulate the kinds of development policymakers seek to incentivize: transit-oriented, energy-efficient, and flood/erosion-safe development already served by utilities.

¹ See *A Home for Everyone*, Unlocking Housing Production Commission (Feb. 21, 2025), available at: <https://www.mass.gov/info-details/achieve-a-state-of-housing-abundance> (recommending policy actions to "[r]eexamine and refine state and local regulations that drive up the cost of housing....").

² See *New data suggest Massachusetts making progress on housing construction, but permit data provides warning*, The Boston Foundation (Oct. 21, 2025), available at: <https://www.tbf.org/news-and-insights/press-releases/2025/october/indicators-housing-supply-brief-20251021> (finding that, while residential housing permits rebounded from its historically low levels from 2008-2012 to peak in 2021, the number of units permitted has fallen sharply since then.)

In its press release accompanying the proposed MEPA amendments, the Executive Office of Energy and Environmental Affairs describes this as a “game changer” for permitting timelines³ - GBREB and MAR agree. These reforms will make housing cheaper to build, faster to entitle, and will reduce risk by offering a level of regulatory certainty for residential construction. To realize “A Home for Everyone” recommendations, though, the MEPA Office should implement three additional changes to the proposed reforms.

First, the MEPA Office should remove density requirements in Section 11.01(2)(c)(1)(b). Allowing qualifying projects regardless of housing density addresses the Commonwealth’s housing shortage in all communities. The proposed density mandates might not be feasible in many less dense cities and towns.

Second, the MEPA Office should simplify floodplain development language in Section 11.01(2)(c)(1)(d) to read as follows: “*Floodplain development must comply with building code and relevant wetland regulations as of the date of the ENF.*” While the MEPA Office lacks jurisdiction to identify relevant floodplain regulation as described in Section 11.01(2)(c)(2), this simplification permits responsible authorities like building code inspectors and funding agencies to ensure floodplain-safe development.

Third, the MEPA Office should remove the requirement in Section 11.01(2)(c)(1)(3) that qualifying projects comply with the Massachusetts Stretch Energy Code. The MEPA Office does not have authority to require specific regulatory compliance with the Stretch Energy Code, an opt-in set of requirements enforced by municipal building officials.

In addition to adopting the proposed MEPA amendments, GBREB recommends a variety of additional policies to unlock housing production and stem development cost. These include legislation and ballot initiatives that legalize small-lot “starter homes”⁴ and legislation establishing a study for building fire-safe single stair multifamily residential development.⁵ Additionally, GBREB joined over two dozen business, utility, development and labor organizations in recent comments to the Department of Public Utilities urging maintenance of consumer energy choice during a time of increased cost and reduced supply.⁶ Along with the

³ Governor Healey Unveils Nation-Leading Plan to Cut Environmental Regulations for Fast-Track Housing Development (Sept. 9, 2025), available at: <https://www.mass.gov/news/governor-healey-unveils-nation-leading-plan-to-cut-environmental-regulations-to-fast-track-housing-development>.

⁴ See e.g., S.962/H/1572 (An Act to Promote Yes In My Back Yard), available at: <https://malegislature.gov/Bills/194/S962> and <https://malegislature.gov/Bills/194/H1572> (allowing townhouses and 1-4-unit residential developments by right, subject to local zoning regulations, and eliminating parking minimums) and MA Ballot Initiative 25-03 (Initiative Petition for a Law to Allow Single Family Homes on Small Lots in Areas with Adequate Infrastructure), available at: <https://www.mass.gov/doc/initiative-petition-for-a-law-to-allow-single-family-homes-on-small-lots-in-areas-with-adequate-infrastructure/download>.

⁵ See S.964/H/1542 (An Act to Study Single Stair Residential Buildings), available at: <https://malegislature.gov/Bills/194/S964> and <https://malegislature.gov/Bills/194/H1542> (including fire safety experts, building code officials and residential developers in study commission).

⁶ See Comments by Massachusetts Coalition for Sustainable Energy (MCSE) D.P.U. 25-40 through D.P.U. 25-44/45 (Sept. 29, 2025), available at:



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proposed MEPA streamlining, these actions will fulfill the promise of the MBTA Communities Act and the Affordable Homes Act

GBREB and MAR commend the Healey Administration, the Executive Office of Energy and Environmental Affairs, and the MEPA Office for embracing an approach to “achieve a state of housing abundance”⁷ through the proposed revisions to the MEPA amendments, which, along with continued focus on zoning reform and reducing procedural bottlenecks, will reduce impediments to housing development. Thank you for the opportunity to engage on this important issue. Please feel free to contact Jackie McCarthy at jmccarthy@gbreb.com or (617) 423-8700, or Justin Davidson at jdavidson@marealtor.com with any questions.

Sincerely,

Jackie McCarthy
Greater Boston Real Estate Board
Director of Government Affairs

Justin Davidson
Massachusetts Association of REALTORS®
General Counsel and Director of
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<https://fileservice.eea.comacloud.net/V3.1.0/FileService.Api/file//aegjhdjhe?8Hvgh93i3XLT5Ys6Pf7XumZw4DJKmGuEPwz9YhdTp02PcSxI+blU344Khxm+qpOeg0hKFj9M9l/xQR8+/8GqPvdGgrFe6XR6ngIfa80wd3rxFD8G4j981M2Rna9aVTXA> .