

1. Does the SJC opinion change the MBTA Communities law?

No, the SJC opinion affirms that the MBTA Communities law is constitutional and that the Attorney General has the authority to enforce the law. The decision made the MBTA Communities Guidelines ineffective. HLC issued emergency regulations on January 14, 2025, that replace the Guidelines. In accordance with the Administrative Procedures Act, the emergency regulations go into effect immediately. EOHLC will promulgate permanent regulations and seek public comment in the coming weeks.

2. How are the emergency regulations different than the MBTA Communities Guidelines?

The emergency regulations provide additional time for communities that were non-compliant under the original Guidelines to come into compliance with the law.

Specifically, the emergency regulations provide that communities that did not meet prior deadlines to submit a District Compliance application must file an Action Plan within 30 days from the date the emergency regulations are filed by 11:59 p.m. on February 13, 2025. The Action Plan must describe how the community will take the necessary steps to pass a compliant multi-family zoning district.

Furthermore, the emergency regulations also provide six months for these communities that did not meet prior deadlines to submit a District Compliance application to adopt a compliant district. The deadline to submit this District Compliance application is July 14, 2025.

3. HLC previously determined that my community complied with the MBTA Communities Law under the original Guidelines. Does HLC still consider my community compliant?

Yes. HLC considers your community compliant if HLC previously determined that your community complied with the MBTA Communities Law under the original Guidelines.

4. My community adopted multi-family zoning based on the requirements of the original Guidelines. Is that district still in effect?

Yes, the multi-family zoning adopted by your community under the original Guidelines remains in effect.

5. Will the final regulation be different than the original Guidelines?

HLC will host a public comment period to receive feedback on the regulations. HLC looks forward to reviewing these public comments and may make changes in the final regulation in response to that feedback.

6. How can I submit comments on the regulation during the public comment period?

HLC will create an online form for public comments. HLC will make the form available when the public comment period begins.

7. Is there technical assistance available for my community to help us comply with the MBTA Communities law?

Yes – please see the Resources section of the MBTA Communities website [here](#).