

**CHAPTER 40R TRANSITION GUIDELINES REGARDING
AMENDMENTS TO 760 CMR 59.00 EFFECTIVE NOVEMBER 22, 2013**

The Department of Housing and Community Development (DHCD, or the Department) has adopted amendments to the existing regulations for **Chapter 40R, the “Smart Growth Zoning and Housing Production Act.”** These Guidelines have been developed by DHCD to assist communities in implementing changes to 760 CMR 59.00 (the Chapter 40R Regulations) adopted effective November 22, 2013 in accordance with M.G.L. chapter 40R. The Department originally adopted regulations to implement Chapter 40R at 760 CMR 59.00 effective March 25, 2005.

1. The regulation that is in effect as of the date of the public notice of a preliminary public hearing under 760 CMR 59.05(1) applies to the notice and the hearing.
2. The regulation that is in effect as of the date of an application to DHCD applies to the form and content of the application and any related review and approval standards. This pertains to:
 - a. Applications to the Department for preliminary determination of eligibility under 760 CMR 59.03(1)
 - b. Review of an existing zoning district under 70 CMR 59.03(2)
 - c. Letters of Eligibility and Letters of Approval under 760 CMR 59.04
 - d. Application for amendment of a Smart Growth District under 760 CMR 59.05(5)
 - e. Eligibility for density bonus payment under 760 CMR 59.06(2)
3. The regulation that is in effect as of the date of a submission to a Plan Approval Authority for plan review applies to the plan review.
4. If the provision does not pertain to a specific application or request, the provisions of the regulation currently in effect apply. For example, all annual reports to be filed on or after November 22, 2013 shall comply with the regulation effective on that date.