



August 18, 2026

Rep. Aaron M. Michlewitz, Chair, House Committee on Ways and Means
Rep. Carole A. Fiola, House Chair, Joint Committee on Economic Development and Emerging Technologies
Rep. Michael J. Soter, House Ranking Minority, Joint Committee on Economic Development and Emerging Technologies

Sen. Michael J. Rodrigues, Chair, Senate Committee on Ways and Means
Sen. Barry R. Finegold, Senate Chair, Joint Committee on Economic Development and Emerging Technologies
Sen. Peter J. Durant, Senate Ranking Minority, Joint Committee on Economic Development and Emerging Technologies

RE: H. 5576 and S. 3228, *An Act Relative to Economic Development in the Commonwealth*

Dear Conference Committee Members:

On behalf of the Home Builders and Remodelers Association of Massachusetts ("HBRAMA"), I wish to share with you our position on the major housing related sections of both H. 5576 and S. 3228. The HBRAMA is a Massachusetts non-profit trade association affiliated with the National Association of Home Builders. The association consists of more than 1,100 member companies. Its members are involved in the permitting and development of land for residential uses, as well as the construction of single-family homes, townhomes and apartments.

The HBRAMA is grateful to the bold action the Massachusetts Legislature has taken in recent years to address the commonwealth's chronic housing shortage. The enactment of the Affordable Homes Act, the MBTA Communities Law, the Starter Home Zoning District Act and the Housing Choice Law, has cumulatively made a real impact on the state's effort to boost housing production. Both H. 5576 and S. 3228 include a number of worthy reforms that will further assist in this effort.

Statewide Training of Local Boards and Commissions

The HBRAMA strongly supports Section 8 of H. 5576 which requires the Executive Office of Housing and Livable Communities to establish a statewide training program for members of local planning boards, zoning boards of appeals, and special permit granting authorities covering the legal and procedural responsibilities of local land use boards, including special permits, subdivision control, variances, fair housing requirements, and other laws governing planning board duties. The HBRAMA respectfully urges the committee, however, to expand training to include members of local conservation commissions and boards of health. The rules, regulations

and decisions of these local bodies can have as much of an impact of the cost and feasibility of producing new housing as zoning and planning boards. The association has for many years sponsored legislation to require pre-service training for the volunteer members of all local land-use boards. Accompanying this letter is language for your consideration to provide for training of conservation commissions and boards of health.

Permit Extension Act

The HBRAMA joins with the Massachusetts Chapter of the Commercial Real Estate Association in strongly supporting Sections 141A and 141B of H. 5576 that would amend the permit extension provisions contained in the 2024 economic development bill, by extending the automatic two-year extension; the current tolling period of January 1, 2024 through January 1, 2025 extended to January 1, 2027; and extending from 2 years to 4 years the duration of the automatic tolling period for a zoning permit, subdivision approval, wetlands permit, or other covered state or local land-use approval that was in effect during the statutory tolling period.

Housing Appeals Committee

The HBRAMA strongly supports Section 17 of S. 3228 which would expand the membership of the Housing Appeals Committee from 3 to 5 members. The association believes that by doing so, the committee will have the resources to address the backlog of appeals from the decisions of local zoning boards of appeal and process future appeals more quickly.

Board of Building Regulations and Standards

The HBRAMA supports Section 130 of H. 5576 and Section 241 of S. 3228 that clarifies that the Board of Building Regulations and Standards may grant variances from the current and any future specialized stretch energy code. Under current law, a builder, architect, engineer or even a homeowner has no ability to appeal the decision of a local building inspector when there is a dispute regarding an interpretation of the energy code.

Site Plan Review

The HBRAMA supports the effort to codify site plan review in the Zoning Act (G.L. c. 40A) contained in both H. 5576 (Section 48) and S. 3228 (Sections 63, 64, 72). Indeed, the HBRAMA together with the Massachusetts Chapter of the Commercial Real Estate Association has long sponsored legislation to do so. We do have two recommendations. First, the definition of “Performance standards” in Section 72 of S. 3228 requires “reasonable” written regulations. The HBRAMA believes that it is critical that such regulations be subject to a reasonableness standard to ensure that they are not used to potentially thwart housing production. Second, we are concerned that Section 72 allows cities and towns to establish “design guidelines.” We have found that “design guidelines” are often vague and subjective, resulting in lengthy negotiations with local boards that add time and cost to projects. Further, they often have no meaningful relevance to the elements of site design for which site plan review is appropriate.

Chapter 40 R, Smart Growth Zoning and Housing Production Act

The HBRAMA supports Section 84 of S. 3228 that would increase the zoning incentive payments and density bonus payments to cities and towns that adopt a Chapter 40R Smart Growth Zoning District and a Chapter 40Y Starter Home Zoning Districts. The amount of these payments was originally established with the enactment of Chapter 40R in 2004. More than 20 years later, they are inadequate to induce communities to voluntarily adopt zoning ordinances and by-laws to allow for housing production by right in either smart growth locations or other locations a city or town believes would be appropriate for creating a starter home neighborhood. The association has been sponsoring such legislation for several years now.

Adaptive Reuse Commercial Conversion

The HBRAMA supports the provisions in H. 5576 (Sections 42, 43, 45, 46, 47, 49, 50, 60, 61, 62, 69, 72, 74, 75, 77, 86) and S. 3228 (Sections 67, 69, 70, 71, 74, 75, 109) that enables cities and towns to adopt local zoning ordinances and by-laws to allow for the conversion of land or structures used for commercial purposes to multi-family housing or mixed-use development. We further support the opportunity to seek tax increment exemptions to encourage these projects.

Accessory Dwelling Units

The HBRAMA supports Section 65 of S. 3228 that would amend the Zoning Act (G.L. c. 40A, § 3) to expand the zoning protection for accessory dwelling units by removing the limitation that the statutory protections apply only in single-family residential zoning districts.

Yes In God's Back Yard

The HBRAMA supports Section 42 of H. 5576 that would amend the Zoning Act (G.L. c. 40A, § 3D) to prohibit any zoning ordinance or by-law from prohibiting or unreasonably restricting or requiring any other discretionary approval for the use of land owned by a religious sect or denomination for the development of multifamily housing.

Duplex By Right

The HBRAMA supports Sections 65 and 66 of S. 3228 to amend the Zoning Act (G.L. c. 40A, § 3) to prohibit any zoning ordinance or by-law from prohibiting, unreasonably restricting or requiring a special permit or other discretionary zoning approval for the use of land or structures for a single duplex on a lot zoned for residential use upon which a single-family dwelling is permitted, lawfully existing or entitled to protection under G.L. c. 40A, § 6, including a pre-existing nonconforming lot.

Historic Rehabilitation Tax Credits

The HBRAMA supports the provisions in H. 5576 (66A, 71, 72, 74, 77B) and in S. 3228 (120, 124) to increase the annual statewide cap on Historic Development Incentive Program tax credits

for personal income from \$30 million to \$40 million and to give preference to certain adaptive reuse and commercial conversion projects.

Tenant Opportunity to Purchase

The HBRAMA joins with the Greater Boston Real Board, Massachusetts Association of Realtors, Massachusetts Bankers Association, Massachusetts Mortgage Bankers Association, Real Estate Bar Association and other organizations in strongly opposing Section 133A of H. 5576 that would allow cities and towns throughout the commonwealth to through ordinance or by-law, to establish a tenant right to purchase rental property, as well as Section 335 of S. 3228 that would require the Executive Office of Housing and Livable Communities to shall establish a pilot program with not more than 5 communities in which cities and towns may apply to participate to provide opportunities for tenants to collectively purchase their building when it is up for sale.

Thank you for the consideration of our views. Please do not hesitate to contact us if you have any questions or need any additional information.

Very truly yours,



David O'Sullivan
David O'Sullivan
Executive Director

C: Sen. Julian Cyr, Senate Chair, Joint Committee on Housing
Rep. Richard Haggerty, House Chair, Joint Committee on Housing