

## INSIGHTS + NEWS

## Client Alert: EOHLC Files Emergency Regulations to Implement the MBTA Communities Law

BY JOSEPH R. DUQUETTE • JANUARY 15, 2025

On January 8, 2025, [the Massachusetts Supreme Judicial Court \(SJC\)](#) issued a significant decision in *Attorney General v. Town of Milton*, SJC-13580, affirming the constitutionality of the Massachusetts Bay Transportation Authority (MBTA) Communities Act (G. L. c. 40A, § 3A). Importantly, however, the SJC determined that the guidelines issued by the Executive Office of Housing and Livable Communities (EOHLC) to implement the Act were ineffective because they were promulgated without adhering to the rulemaking procedures required by the Administrative Procedure Act (APA), G. L. c. 30A.

On January 14, 2025, the EOHLC filed emergency regulations in response to the SJC's ruling and to support the ongoing implementation of the MBTA Communities Act. According to the EOHLC's press release, "The emergency regulations do not substantively change the law's zoning requirements and do not affect any determinations of compliance that have been already issued by EOHLC...Communities that did not meet prior deadlines must submit a new action plan to the state, outlining their plan to achieve compliance, by 11:59 p.m. on **February 13, 2025**. These communities will have until **July 14, 2025**, to submit a district compliance application to the state." (emphases added).

Read the [press release](#) and the [emergency regulations](#).

For more information, contact the author or your [Bowditch attorney](#).