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Matthew Madden Discusses Community Benefits Agreements and Data Center Development in Massachusetts

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Massachusetts' new requirements for data center development raise important legal questions about community benefits agreements, project approvals, and enforcement. [Matthew Madden](#) recently spoke with *Massachusetts Lawyers Weekly* about the executive order signed by Governor Maura Healey last month, which bars state agencies from permitting large new or expanded data centers unless developers submit a community benefits agreement with "key stakeholders." The order, however, leaves a number of open questions, such as who monitors compliance with a benefits agreement once a developer gets its permits, and who has standing to sue if a developer reneges on its promises.

"That's where the drafting of these community benefits agreements between the municipalities and the developers' contractors will be important, because it'll say, just as any contract would, who is responsible, what exactly has to be done, when does it have to be done, how is compliance measured, and what happens if that obligation is not met," Matt said.

And although the executive order establishes a clear goal, there are key terms that are undefined and there is no mechanism for enforcing the agreements, leaving developers, municipalities and neighbors with open legal questions.

Matt noted that, for example, the order "doesn't provide any sort of detailed grandfathering rule or guidance as to projects that may be already somewhere in the permitting or development process."

Continue reading "[Data center rules raise legal questions for developers](#)" on the *Massachusetts Lawyers Weekly* website (subscription required).