

COMMERCIAL REAL ESTATE INSIGHT & NEWS

The Bowditch & Dewey Real Estate Blog

# MBTA Communities Must Submit a Request for a Determination to EOHLC for District Compliance

BY JOSEPH R. DUQUETTE • NOVEMBER 28, 2023

On October 21, 2022, the Commonwealth of Massachusetts Executive Office of Housing and Economic Development ("EOHED") issued final guidelines to the Commonwealth's 175 MBTA communities for compliance with M.G.L. c. 40A, § 3A ("Guidelines"). For those communities designated as Rapid Transit Communities under the Guidelines, the deadline to submit a full compliance application to the Executive Office of Housing and Living Communities ("EOHLC") is **December 31, 2023**.

As a recent Municipal Law Unit Decision explains, merely adopting the zoning by December 31, 2023, is not alone sufficient to remain in compliance. See, MLU Decision – 9_20_2023 – 11100 – MANSFIELD – MBTA COMMUNITY ZONING. In order for a community to still be in compliance it must have also filed its request for a determination to the EOHLC with the materials required by the Guidelines by December 31, 2023. If the request is filed by the deadline, then the community will be deemed in compliance while EOHLC's review is pending.

For all other communities required to come into compliance with M.G.L. c. 40A, s.3, the Guidelines provide that EOHLC will provide a preliminary compliance review prior to adoption if the draft is provided at least 90 days prior to the date of the legislative action. Although it is less than 90 days prior to the deadline for Rapid Transit Communities, we have been informed that EOHLC still invites those communities to reach out if they have questions about their draft zoning and they will do their best to get feedback to the community prior to a scheduled vote.

For applicable deadlines for your community, please refer to our prior blog post "Critical Deadline for Action Plans Approaches for Certain MBTA Communities."

©2026 Bowditch & Dewey LLP. All Rights Reserved.