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Massachusetts Announces Proposed Changes to Massachusetts Environmental Policy Act (MEPA) Regulations to Address Housing Crisis

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In response to findings by the state's Unlocking Housing Production Commission (established along with the Affordable Homes Act) that extensive environmental reviews have impeded housing production, new MEPA regulations have been proposed. Central to these amendments is the creation of a new project category that would exempt certain housing projects from the need to file an Environmental Impact Report (EIR). Qualifying projects would be required to submit only an Environmental Notification Form (ENF) instead of the more in-depth EIR. EIR filings can add significant time and cost to projects, and the state expects that these proposed changes will help accelerate production of needed housing.

In order to qualify for the simplified and expedited process, a project must meet specific criteria, including that:

- A minimum of 67% of a project's total floor area is residential.
- A density of eight single-family units/acre, 12 two or three family units per acre, or up to 15 four or more family units/acre is proposed.
- The development site is smaller than five acres in size, or up to 10 acres if a tree retention and replacement plan is provided.
- The land has not been actively farmed as USDA prime farmland within the last five years.
- No portion of the land contains ecosystem "carbon stocks" in the state's top 20% or contains a designated priority habitat.
- The land is outside highest flood hazard zones and special flood hazard areas.
- The proposed project will comply with the Massachusetts Stretch Energy Code.
- No new gas mains or interbasin water/wastewater transfer approvals are proposed.

- Generation of new vehicular traffic will result in fewer than 3,000 or fewer new daily trips or fewer than 6,000 new daily trips where located in a transit-oriented district or within certain radius of a transit stop.

Unrelated to housing, the proposed changes also exempt “Ecological Restoration Limited Projects” such as dam and bog restorations from the EIR requirement so long as mandatory EIR thresholds are not exceeded.

The state forecasts that these changes will accelerate the [development of housing](#) across the state and cut environmental review times for specific projects from more than a year to within 30 days. Public feedback on the draft regulations is currently being accepted, and final adoption is expected in the coming months. [The regulations and information on how to participate in public comment may be found on the state’s website.](#)