

ACCESSORY DWELLING UNITS ARE OFFICIALLY LEGAL STATEWIDE IN MASSACHUSETTS

Since Sunday, February 2nd, 2025, most single-family property owners in Massachusetts have been able to file a building permit application for an accessory dwelling unit. An ADU is a small housing unit on the same property as a single-family home, often located in basements, attics, backyard cottages, or above garages. Traditionally, they have often housed extended family members or been used to supplement the income of retirees.

The [Affordable Homes Act of 2024](#) (AHA) made ADUs legal statewide in Massachusetts, and since then the state has promulgated regulations around how municipalities can and can't restrict them. In particular, ADUs must be allowed by-right, without discretionary approvals like special permit processes to delay or deny their construction, even on non-owner-occupied properties. Municipalities also have [limited ability](#) to enforce parking requirements for ADUs and cannot restrict the total number of ADUs in an area or include ADUs in density-based limits.

Municipalities maintain the right to enact dimensional, height, and infrastructure-related restrictions on ADUs, but cannot apply regulations to ADUs that don't apply to single-family homes in the same district. They also [can't enforce](#) any regulation that "prohibits, renders infeasible, or unreasonably increases the costs of" building or living in an ADU. Finally, municipalities may restrict the use of ADUs for short-term rentals.

While it's difficult to predict the impact of such legislation, the Executive Office of Housing and Livable Communities [has predicted](#) that between 8,000 and 10,000 ADUs will be built in Massachusetts in the first five years of their statewide legalization. Further, the agency [now requires](#) municipalities to report ADU permitting activity to them on an annual basis.

That said, there remain many barriers to building ADUs in Massachusetts, both regulatory and financial. While some Massachusetts banks [now offer services](#) to fund ADUs in particular, most of them are either exclusive to low-income homeowners or only available in certain geographic areas. And because the AHA only legalizes ADUs that include up to 900 square feet, many home builders will find them uneconomical to produce, and many existing illegal ADUs may remain difficult to convert into legal



ones. Lastly, applying dimensional and septic system requirements to ADUs could substantially limit the number of properties on which they can legally be built in some jurisdictions.

At the same time, ADUs have [long been championed](#) as a flexible, adaptable, incremental, and minimally disruptive way of addressing the housing shortage across a variety of community types. For adults with mobility issues and seniors looking to maintain some independence, they can prove to be a happy medium between homeownership and assisted living. For young families looking to gain a foothold in expensive suburban communities, they offer a lower rung on the housing ladder that enables upward mobility in the future.

If you're considering building an ADU on your property, please go to your town website's Building Department or Community Development page for more information. Many municipalities have already updated their ADU bylaws to conform to the state's new regulations.

Just 45 percent of Greater Boston's rapid transit station areas (i.e., land within half a mile of a station) have a residential density of at least 16 units per acre, the threshold generally needed to support high-frequency service.

[Source: [Boston Indicators](#)]

On Beacon Hill, Pro-Housing Policymakers File a Bigger, Bolder “Yes in My Backyard” Bill

In advance of the state legislature's January 17th [filing deadline](#), lawmakers proposed a slew of housing-related bills, some of which are already [top priorities](#) for housing advocacy groups. Perhaps the most sweeping housing reform bill is “An Act to Promote Yes in My Backyard,” which was filed in both the [House](#) and [Senate](#).

If passed, the bill would allow up to five homes per lot in residential areas served by adequate sewer and water infrastructure and three per lot in other residential areas. Currently, residential areas in most Greater Boston communities (let alone the more rural parts of the state) are [overwhelmingly reserved](#) exclusively for single-family homes.

In another notable departure from the status quo, the bill would also prevent municipalities from enforcing both minimum parking requirements and minimum lot sizes in new residential developments. As of this writing, Cambridge and Somerville are [the only communities](#) in the state that have eliminated minimum parking requirements entirely. And despite having the nation's third-highest population density, Massachusetts also has [the 15th-highest median lot size](#) among the states.

The new bill mimics [a similar one](#) filed in the 2023–24 legislative session, on which no action was taken after it was referred to the Ways and Means Committee. However, the 2023–24 bill only waived parking requirements and single-family zoning *near transit stations*, not statewide, and didn't propose eliminating minimum lot sizes either.

Holdovers from last session's bill include provisions that require state agencies to consider affordable housing when repurposing publicly owned land and require state review of local septic system rules that are stricter than state standards.

All things considered, the 2025–26 YIMBY bill includes a more ambitious and comprehensive set of proposed reforms from lawmakers likely emboldened by the passage of the [Affordable Homes Act](#) and the recent [SJC ruling](#) upholding the MBTA Communities law.



Given the spiraling costs of labor and materials along with the tighter and tighter standards imposed by regulators, putting new windows in a commercial building—as just one example—could easily trigger...[a] whole host of additional costs that the property or business owners cannot afford.

**Gateway Cities Innovation Institute Program
Director [André Leroux](#)**

QUOTE OF THE MONTH

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COMING SOON

Upcoming issues of *The House Call* will include segments on:

- Proposed zoning reforms in Cambridge.
- The state Unlocking Housing Production Commission report.
- Minimum parking requirements.
- And more!