



Citizens' Housing and Planning Association

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RE: Housing Policies in the 2026 Economic Development Bill

Dear Members of the 2026 Economic Development Bill
Conference Committee:

On behalf of Citizens' Housing and Planning Association (CHAPA), I am writing to you today to urge that the Conference Committee include high impact housing policies in the final version of the legislation.

CHAPA's mission is to encourage the production and preservation of homes that are affordable to households across all income levels, and to foster diverse and sustainable communities through planning and community development. At CHAPA, we believe that everyone should have a safe, healthy, accessible, and affordable home in the community they choose.

Massachusetts' housing costs are holding it back from building an economy that works for all its residents. Unaffordable rents and home prices are not only driving families to lower-cost states,¹ but hindering employers in hiring and retaining the talent they need to compete.²

¹ John L. Micek, *Young professionals say they'll abandon Massachusetts. That should terrify Beacon Hill*, MASSLIVE, Jan. 7, 2026, <https://www.masslive.com/politics/2026/01/young-professionals-are-abandoning-massachusetts-and-that-should-terrify-beacon-hill.html>.

² See Jim Stergios, *Massachusetts has one of the slowest job growth rates in the country. That's a big problem.*, COMMONWEALTH BEACON, May 6, 2025, <https://commonwealthbeacon.org/opinion/massachusetts-has-one-of-the-slowest-job-growth-rates-in-the-country-thats-a-big-problem/>.



To stabilize housing costs and give workers and businesses a platform to truly thrive, the Commonwealth must create 222,000 new homes by 2035.³ This makes housing the single best investment we can make in our economic future. By adopting policies that pave the way for more housing, this bill can boost housing affordability for people across income levels, help families put down roots, and bolster the economy for everyone.

Three provisions appearing in at least one version of the Economic Development Bill now before the Committee will be especially helpful in facilitating more housing production: Yes in God's Backyard (YIGBY), the allowance of duplexes by right in residentially zoned areas, and a statewide framework for site plan review. CHAPA asks the Conference Committee to include these pro-housing policies, and several others identified below, in the final version of this legislation.

I. Yes in God's Backyard (YIGBY)

CHAPA is thrilled that the House included YIGBY language in H.5576. YIGBY is a commonsense policy that will:

1. make it easier for religious organizations to build housing in support of the Commonwealth's needs; and
2. bolster municipal finances by allowing cities and towns to tax new housing developed under its terms.

YIGBY allows Massachusetts religious groups to build multi-family housing by-right on land they have owned for at least three years. This represents a narrow change to state zoning law, but it has the potential to put an enormous dent in the Commonwealth's housing shortage.

Under the state's Zoning Act, religious organizations have long had a broad exemption from local zoning restrictions. While cities and towns may apply "reasonable" dimensional rules to religious land uses, they cannot prohibit or otherwise restrict such uses.⁴ A proposed use qualifies for this local zoning

³ EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES, A HOME FOR EVERYONE: A COMPREHENSIVE HOUSING PLAN FOR MASSACHUSETTS 16 (2025), available at: <https://www.mass.gov/doc/a-home-for-everyone/download>.

⁴ G.L. c. 40A, § 3.

exemption if its “primary” purpose is a “religiously significant” goal.⁵ As a result, religious groups must apply to local officials for a determination of whether a proposed use meets that standard before receiving formal protection.⁶

YIGBY streamlines this process when the proposed use is multi-family housing, taking an already-existing exemption to local land use regulation and expanding it to meet our ongoing housing challenges.

Allowing religious groups to build multi-family housing by right will facilitate more housing production in two primary ways. First, by-right development eliminates the need for case-by-case determinations of whether housing is a sufficiently “religious” use to receive the local zoning exemption. Second, it ensures that religious groups can build housing without having to face the time- and resource-intensive special permit process. These changes expedite the building timeline, reduce project costs, and give developers more certainty.

And the evidence shows that YIGBY will boost our housing stock. Religious groups are motivated to build new housing to meet community needs,⁷ and they own a tremendous amount of developable land throughout Massachusetts. Research by the Lynch Foundation has found that, if developed efficiently, this religious land could support more than 200,000 new homes.

Moreover, since the legislation explicitly states that YIGBY developments are taxable, YIGBY will help ease local budget challenges⁸ by providing municipalities with a significant new source of income.

In short, YIGBY is a timely and practical tweak to state zoning law that will unleash the incredible housing potential of religious land and expand resources for local governments to serve their constituents.

⁵ See *supra* note 3 at 3, 8.

⁶ See *supra* note 3 at 10, 11.

⁷ See Conor Dougherty, *What Would Jesus Do? Tackle the Housing Crisis, Say Some Congregations.*, N.Y. TIMES, April 27, 2024, <https://www.nytimes.com/2024/04/27/business/affordable-housing-religious-organizations.html>.

⁸ See Tiziana Dearing & Rob Lane, *Why many Massachusetts cities and towns are facing a fiscal crunch*, WBUR, April 3, 2026, <https://www.wbur.org/upnext/2026/04/03/prop-2-5-taxes-budget-override-municipal>.

II. Duplexes By Right in Residential Areas

CHAPA applauds the Senate for including language in S.3228 making duplexes a by-right land use in all of Massachusetts' residentially zoned areas. As the Unlocking Housing Production Commission Report has explained, this is a modest statewide zoning policy that, in the aggregate, will "dramatically expand the number of buildable units across the Commonwealth."⁹

Duplexes, like single-family homes, are a form of small-scale residential development. They often have roughly the same physical footprint as single-family structures, with the added benefit of housing two families on a given lot instead of one. Despite this, zoning rules throughout the Commonwealth make it much harder to build duplexes than single-family homes.

According to the National Zoning Atlas, while single-family homes are allowed by right on 96% of residentially zoned Massachusetts land, duplexes are only a by-right use on 38% of such land.¹⁰ This means that, in the vast majority of cases, a residential lot owner can only build a duplex by applying for a discretionary special permit. The special permit process, in turn, suppresses duplex development because it is costly, time-consuming, and frequently futile.¹¹

By allowing developers to avoid the special permit process wherever single-family homes are allowed, this policy can facilitate thousands of new homes on lots where they would otherwise be infeasible. And, critically, because duplexes are small scale and have low footprints like single-family homes, it can do so without fundamentally changing the nature of established neighborhoods.

The Unlocking Housing Production Commission (UHPC) summarized this policy aptly by noting that it "does not mandate multifamily construction" but simply

⁹ UNLOCKING HOUSING PRODUCTION COMMISSION, BUILDING FOR TOMORROW: RECOMMENDATIONS FOR ADDRESSING MASSACHUSETTS' HOUSING CRISIS 39 (Feb. 2025), <https://www.mass.gov/doc/building-for-tomorrow-a-report-from-the-unlocking-housing-production-commission/download>.

¹⁰ Andrew Brinker, *Will Beacon Hill do anything to help the Massachusetts housing crisis? With clock ticking, two ideas are on the table.*, BOS. GLOBE, July 23, 2026, <https://www.bostonglobe.com/2026/07/23/business/beacon-hill-housing-policy/>.

¹¹ See ANDREW MIKULA, SUPPLY STAGNATION: THE ROOT CAUSE OF GREATER BOSTON'S HOUSING CRISIS AND HOW TO FIX IT 9 (Pioneer Inst. Pub. Pol'y Rsch., White Paper No. 271, 2024), <https://pioneerinstitute.org/wp-content/uploads/Supply-Stagnation-The-Root-Cause-of-Greater-Bostons-Housing-Crisis-and-How-to-Fix-It.pdf>.

“removes unnecessary zoning barriers” to two-family homes.¹² The reality is that we cannot address the Commonwealth’s housing challenges by only prioritizing single-family construction. Legalizing duplexes statewide is therefore a timely and practical change that will help us meet our production goals much faster.

III. Statewide Site Plan Review Framework

CHAPA is grateful that both the House and Senate included site plan review provisions in their bills. If passed, such legislation would streamline and incentivize more housing development across the Commonwealth by establishing a uniform set of rules for the local site plan review process. The fact that both chambers have included such a framework in their respective economic development bills underscores that this is a sensible, much-needed reform.

The term “site plan review” broadly refers to the land use review process that municipalities employ to determine whether a proposed development complies with pre-set zoning standards governing “layout, scale, appearance, safety, and environmental impacts.”¹³ Massachusetts courts have explained that, unlike the special permit process, site plan review is a means of regulating permitted uses under a zoning code and that it cannot operate to “prohibit” those uses.¹⁴

However, the state’s Zoning Act does not “expressly recognize[]” site plan review as an “independent method of regulation” or otherwise delineate any rules for the site plan review process.¹⁵ This has generated a fragmented system where “[site plan review] does not have one meaning” and the process is not “uniform from municipality to municipality.”¹⁶

¹² See *supra* note 8 at 39.

¹³ *St. Botolph Citizens Comm., Inc. v. Bos. Redevelopment Auth.*, 429 Mass. 1, 9 (1999) (cleaned up).

¹⁴ *Scit., Inc. v. Planning Bd. of Braintree*, 19 Mass. App. Ct. 101, 110 n.16 (Mass. App. Ct. 1984); see *Osberg v. Planning Bd. of Sturbridge*, 44 Mass. App. Ct. 56, 57 (Mass. App. Ct. 1997) (noting such review involves “regulation of permitted uses, not their prohibition”).

¹⁵ *Osberg*, 44 Mass. App. Ct. at 57.

¹⁶ *St. Botolph*, 429 Mass. at 8 n.9.

State judges have repeatedly recognized that the lack of state statutory authority for site plan review creates needless complexity and uncertainty.¹⁷ The Land Court recently called site plan review the “ghost haunting land use law in Massachusetts”¹⁸ and the Appeals Court has said that site plan review trends “give[] rise to uncertainties that will probably require legislative correction.”¹⁹

The Commonwealth’s patchwork of site plan review practices creates a significant impediment to housing production by making the process unpredictable, time consuming, and expensive. The inconsistency between municipalities makes it hard for builders to anticipate how the process will play out in any given place. Consequently, they often have to hire experts to navigate the complex regulatory landscape, inflating baseline costs.

The site plan status quo also allows long and costly project delays to seep into reviews. Without uniform final decision timelines, municipalities can prolong the process by repeatedly continuing hearings or asking for revisions.²⁰ This can result in reviews that stretch on for months or years, ballooning developer expenses like interest accrual on financing and various carrying costs.

Moreover, as the UHPC has explained, local site plan review approval can often hinge on “subjective” concepts.²¹ Many towns require proposals to do things like: “maintain neighborhood character”²² or “be in harmony” with local “[a]rchitectural style.”²³ Such ambiguous criteria create uncertainty about the

¹⁷ See *Osberg*, 44 Mass. App. Ct. at 58 n.5; *Hodson-Walker v. Owen*, No. 23 MISC 000398 (STF), 2025 WL 1805716, at *1 (Mass. Land Ct., June 27, 2025) (stating that “[t]his case presents yet another example of the complexities caused by the fact that site plan review is not codified within G.L. c. 40A”).

¹⁸ *Hodson-Walker*, No. 23 MISC 000398 (STF), 2025 WL 1805716, at *1.

¹⁹ *Osberg*, 44 Mass. App. Ct. at 58 n.5 (cleaned up).

²⁰ See Shawn M. McCormack & Michel L. Wigney, Powerpoint Presentation, *The Ghost Haunting Land Use: Site Plan Review & Local Zoning Regulations*, at slide 16, available at https://www.reba.net/UserFiles/files/AMC22_PP_SitePlan.pdf (noting that localities can hold “endless hearings” and “condition [a site plan] into the ground”).

²¹ See BUILDING FOR TOMORROW, *supra* note 9 at 33-34.

²² STURBRIDGE, MASS., ZONING BYLAWS, § 25.06(c) (2018), available at https://www.sturbridge.gov/sites/g/files/vyhlf12111/f/uploads/zoning_bylaws_amended_stm_10-29-18_7.pdf.

²³ EASTHAM, MASS., ZONING BYLAWS, § 10.2.4(3)(2) (2023), available at <https://www.eastham-ma.gov/DocumentCenter/View/527/Eastham-Zoning-BylawAmended-May-2023-PDF?bidId=>.

elements of compliance, which can inflate both upfront costs (to decipher unclear standards) and backend costs (for extra steps like requested redesigns).

These factors transform what should be a straightforward administrative process into an opaque discretionary one. And they combine to create costs and risks that deter developers from pursuing countless new housing projects.

However, codifying a statewide rules framework for site plan review in the Zoning Act can address all of these holes in the current system. The relevant provisions in both the House and Senate bills would do so by, among other things: creating a standard definition of site plan review, limiting the regulatory scope of the process, requiring that standards be reasonably “objective,” and imposing a concrete final decision timeline on applications.

In short, they would bring order to chaos by providing a clear structure and foster development by making the process predictable, objective, and timely.

IV. Other Pro-Housing Policies in the House and Senate Bills

There are numerous other policies in the House and Senate bills that would promote more housing development and provide much-needed support to residents feeling the pain of high housing costs. CHAPA encourages the Legislature to include these policies in the final bill, including:

- A pilot program for the creation of permanently affordable home ownership units with \$2.5 million in allocated funding (**S.3228, Section 2A, Line Item 7002-8087**);
- Language supporting the conversion of commercial properties into adaptive reuse, new, and mixed-use multi-family housing and a \$50 million appropriation for municipal grants and technical assistance (**H.5576, Section 42 and Section 2, Line Item 7004-0092**);
- A \$50 million appropriation to support remediation efforts and housing development at former state owned properties in need of hazardous material remediation (**H.5576, Section 2, Line Item 7004-0095**);
- The allocation of \$20 million in funding for the veterans supported housing initiative program (**H.5576, Section 2, Line Item 7004-0092**);

- A series of provisions strengthening fair housing protections in real estate, including by stiffening penalties for legal violations and expanding licensing educational requirements (**H.5576, Sections 6A and 120A-120H**);
- Language strengthening Chapters 40R and 40Y by increasing zoning incentive payments for adopting smart growth zoning districts, making such payments available for adopting starter home districts, and doubling payments for units built in those districts (**S.3228, Section 84**); and
- A provision creating a preference modifier in state discretionary and competitive grant programs for municipalities with land use policies that encourage housing production (**S.3228, Section 12**).

Thank you for your time and consideration of these comments. If you have any questions or would like additional information, please contact Matt Noyes, CHAPA's Director of State and Federal Advocacy, at mnoyes@chapa.org.

Sincerely

A handwritten signature in black ink that reads "Eric Shupin". The signature is written in a cursive, flowing style.

Eric Shupin
CEO