Proposed MEPA Amendments Seek to Streamline Environmental Review of Qualifying Housing Projects

In an effort to speed environmental review for housing projects, the Massachusetts Environmental Policy Act ("MEPA") Office has proposed amending its regulations to reduce the scope of review for certain qualifying projects.

MEPA review is required for any project which requires action by a state agency (including a state permit or state financial assistance) and meets certain review thresholds. The level of review required depends on the project's anticipated environmental impacts. Projects that are not anticipated to have significant environmental impacts are exempt from MEPA review. Projects anticipated to have fewer impacts go through the abbreviated Environmental Notification Form ("ENF") process. Projects anticipated to have greater impacts or are in or near environmental justice populations go through both the ENF process as well as a lengthier Environmental Impact Report ("EIR") process.

According to a Feb. 21, 2025 report by the Commission on Unlocking Housing Production, the ENF review process typically spans thirty to sixty days, whereas the EIR review process routinely lasts nine months to a year, while costs range from $350,000 to $1 million. The proposed regulatory changes focus on housing projects that: (1) would need to go through both the ENF and EIR processes; and (2) are not located in or near an environmental justice population in order to minimize this burden.

Qualifying projects would be relieved from the EIR process requirement, saving significant time and the hard costs associated with EIR review. Qualifying projects would still need to go through the ENF process. To qualify, a project must meet seven criteria:

1. The project devotes two thirds or more of the gross floor area to residential uses, with the remainder devoted to supportive commercial uses;
2. The project achieves density of at least eight units per acre for single-family homes, at least twelve units per acre for two and three-family buildings, and at least fifteen units per acre for multi-family housing;
3. The project alters up to five acres of previously undeveloped land or up to ten acres if the project proposes a tree retention and replanting plan;
4. The project is located outside of highest hazard areas and outside the Special Flood Hazard Area;
5. The project complies with the Massachusetts Stretch Energy Code;
6. The project does not require approval of a new interbasin transfer of water or wastewater and does not require new or expanded gas mains; and
7. The project generates fewer than 3,000 new additional daily trips of traffic on roadways providing access to a single location, or generates fewer than 6,000 new additional daily trips of traffic on roadways providing access to a single location if the project is located either in a transit-oriented development district or mixed-use

district, or less than one-half mile from a public transit stop with an existing or proposed safe and accessible path of travel to the project site.

In a press release accompanying the announcement of the proposed amendments, Governor Healey stated, "It's our job to make sure government moves at the speed of business, and cutting these regulations will reduce review times… and supercharge the building of homes across Massachusetts." EEA Secretary Rebecca Tapper echoed, "these changes will move critical housing projects from plans to reality much faster and will actually help us ensure that we're incentivizing the kinds of housing we need the most- dense, energy efficient, and resilient buildings- while upholding our high environmental standards."

The amendments do not change existing mandates that any project requiring MEPA review must undergo EIR review if the project site is located within one mile of an Environmental Justice population. Therefore, housing projects will qualify for the exemption only if the project falls outside that geographical range. In Eastern Massachusetts, where the housing shortage is most acute, environmental justice populations cover a significant portion of the land in and around Boston. The proposed amendments also do not benefit projects which do not meet EIR review thresholds in the first place or which were exempt from MEPA review. The public comment process will provide additional insight into how housing developers view these targeted limitations on environmental review and how impacted communities view the streamlining of environmental review in order to address the state's housing shortage.

The MEPA Office will hold remote public hearings on this proposal on October 14, 2025 from 2:00-4:00 PM and October 15, 2025 from 2:00-4:00 PM and 6:30-8:30 PM. Written comments on the proposal may be submitted to MEPA-regs@mass.gov through October 31, 2025.