



**Commonwealth of Massachusetts**  
Executive Office of Housing and  
Livable Communities



# Accessory Dwelling Units (ADUs) in Practice: Best Practices, Resources, New Initiatives

EOHLC Presenting to Berkshire Regional Planning Commission

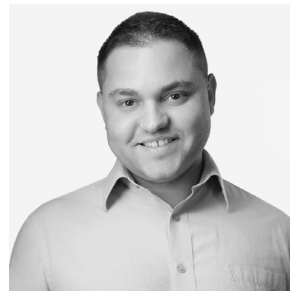
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# Welcome and Introductions



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# Overview of Presentation



- 1. Key Highlights**
- 2. FAQs and Best Practices**
- 3. Resources**
- 4. Current Efforts and New Initiatives**
- 5. Questions**



**1.**

# **Key Highlights**



# ADU Law and Regulations – Key Highlights

- In the past, **many MA municipalities had ADU zoning in place** with various types of restrictions but saw limited new units.
- Section 8 of Chapter 150 of the Acts of 2024 allows **accessory dwelling units (ADUs) under 900 square feet to be built by-right** in single-family zoning districts, defined as “**protected use ADUs**” in the new ADU regulations.
- ADU provisions in the Zoning Act were **effective February 2, 2025**, and the ADU Regulations were finalized and published by HLC based on feedback from public comments prior to February 2, 2025





# ADU Law and Regulations – Key Highlights

- **Dover Amendment** - ADU Regulations have been added to Section 3 of the MGL Zoning Act as part of the other Dover Amendments. There is existing case law that covers the Dover Amendments.
- **Single-Family Zoning District** – Includes any district where single-family homes are allowed by-right or by special permit, regardless of how it is named.
- **Principal Dwelling** – This includes any structure with a dwelling unit in a single-family zoning district (i.e., duplexes, triple-deckers, and multi-units).





# ADU Regulations – Key Highlights (Cont.)

- **Dimensional Standards** – Cannot be more restrictive than for a single-family home, the Principal Dwelling, or Accessory Structure, whichever is more permissive for each of the standards.
- **Short-Term Rental** – This is a municipal choice that is unaffected by the ADU Regulations.
- **Pre-existing ADUs** – If a pre-existing ADU meets the standards of a Protected Use ADU, prior conditions may not be continued.
- **Address Assignment** – All ADU's shall be assigned an address consistent with the most current Address Standard published by MassGIS.

**Note:** Please review the ADU Regulations to better understand all the rules.



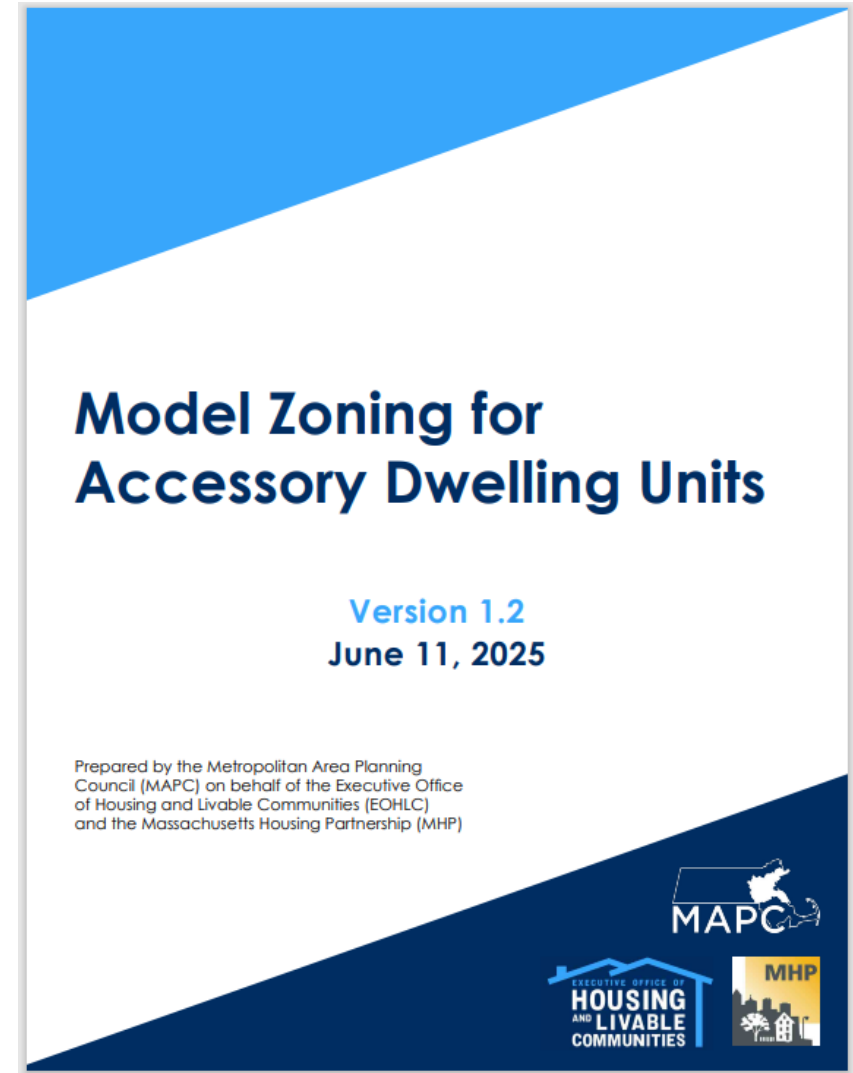
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## **FAQs and Best Practices**

# Best Practices



- As of February 2, 2025, any zoning provisions inconsistent with the ADU Law and Regulations are unenforceable. Local permitting decisions **should not take into account any local zoning rules that conflict with the ADU Law and Regulations**
- Cities and towns are encouraged to choose to update their existing zoning to align with the new ADU Law and Regulations using EOHLC's Model Zoning for ADUs as guidance
- Municipalities should review all existing bylaws that may conflict with the new ADU Law and Regulations





# Over 30 FAQs answered

- **Local Zoning & Regulations** ➡ Type of allowable principal dwellings, # of ADUs allowed per lot, more permissible ADUs, short-term rental ADUs, septic capacity requirements, # of bedroom restrictions, minimum lot size requirements, dimensional standard requirements, manufactured housing, and more!
- **Permitting and Development Process** ➡ Property specific questions, how to get an ADU permit, denied ADU permits, condos & ADUs, definition of by-right, fees, separate or common utility connections, and more!
- **Other Impacts & Related Policies** ➡ Financing ADUs, ADUs and the SHI, ADUs & HOAs, and more!
- **Resources & Technical Assistance** ➡ Training opportunities, model ADU by-law, funding for ADU planning activities



**3.**

## **Resources**

# Webinars



Webinar	Recording	Slides
ADU Law and Regulation Pre-Recorded Webinar	<a href="#">YouTube Recording of Webinar</a>	<a href="#">ADU Law and Regulations Slide Deck</a>
ADU Model Zoning Webinar - EOHLC, in partnership with MAPC and MHP will share information about the ADU Model Zoning and discuss how Cities and Towns can use this tool.	<a href="#">YouTube Recording by MAPC</a>	<a href="#">ADU Model Zoning Webinar Slide Deck</a>
CPTC session offered by EOHLC staff during the 2025 Annual Conference.	N/A	<a href="#">ADU CPTC Presentation</a>

# MLU lookup tool



## The Office of The Attorney General of Massachusetts Municipal Law Unit (MLU) Decision Lookup

Browsing by Year Municipal Law Unit (MLU) By-law Decisions by year are available below. To view decisions from a particular year, click on the "Browse by Year" dropdown and select the year you wish to view. Decisions will be displayed chronologically, with the most recent decision for that year at the top. Click on the Case Number, Town or Decision Date to access the decision. Please note that not all decisions will reference a Topic. Additionally, please be aware that a specific MLU Decision may include additional topics beyond the Topic listed.

Browse by Year

Search All Decisions MLU decisions may also be searched using the search features below. To search for a specific MLU decision by Date, Town, Case Number, Topic, or search terms, please enter your search criteria below and then press the "Search" button. Please note that you may search by full text OR by any/all of the fields below the bar. If you select the "full text search" option, you will not be able to select any fields below the bar.

If you have any questions about how to search MLU Decisions, please contact the Municipal Law Unit at **508-792-7600**

From Date  To Date  (mm-dd-yyyy)

Full Text Search ☐

Search Text   
(Combine keywords with operators - AND, NOT, OR - and use quotations for an exact phrase)

Case Number

City/Town

Topic

Clear Form

Search

Full Text Search ☒

Search Text   
(Combine keywords with operators - AND, NOT, OR - and use quotations for an exact phrase)



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## **Current Efforts and New Initiatives**



# Current Efforts

- Supporting cities and town to amend/adopt ADU zoning by **regional “roadshow,”** with planners and building officials, office hours, **updating resources and FAQs**, interagency collaboration and more
- By-law review of cities and towns ADU zoning by the Attorney General’s Office Municipal Law Unit (MLU)
  - **Over 60 MLU ADU decisions published** by the MLU since the law went into effect
- Continued outreach & community education for:
  - Developers
  - Financial/lending institutions
  - Assessors and Appraisers
  - Real Estate Community
  - & all other stakeholders!

# Other ADU Initiatives



## ADU Design Competition

- Coming Soon
- Goal to spread awareness about ADUs, inspire ADU development, and lower design costs



## FY26 – FY30 CIP Funding for ADU Incentives

- \$5 million announced
- Support ADU pre-development and development costs

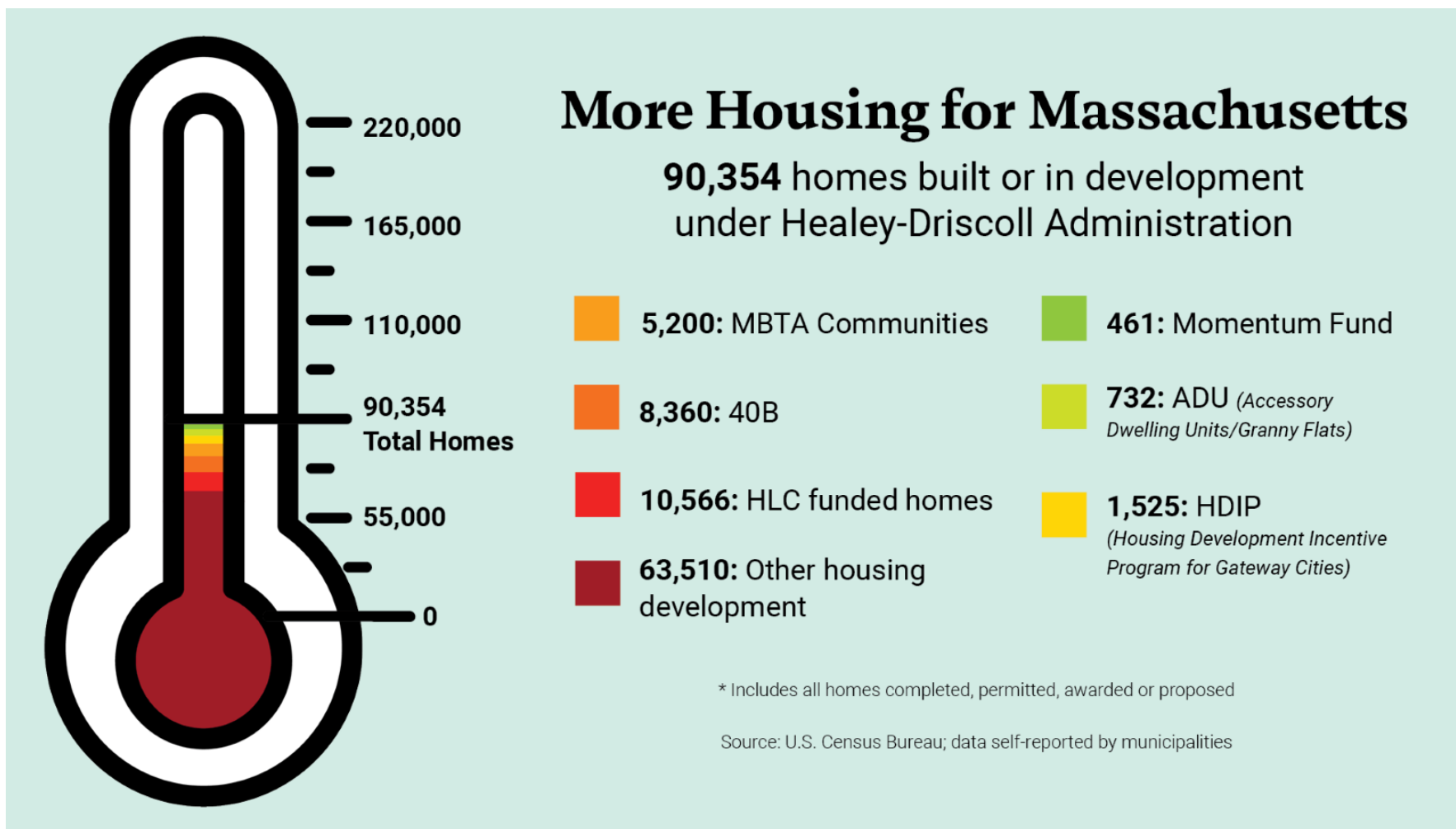


## Data Collection

- From January 1 – June 30 2025, over 500 **ADUS have been approved** in Massachusetts based on survey responses from municipalities



# Housing Production Progress





5.

**Questions?**



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## FOR MORE INFORMATION

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