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Environmental Alert

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Final MEPA rules effective, streamlining housing and mixed-use review

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The Massachusetts Environmental Policy Act (MEPA) Office finalized revisions to the MEPA review process in connection with certain qualifying housing and mixed-use projects. The amended regulations are effective as of January 30, 2026.



What's the impact?

- A streamlined environmental review process will help meet the Commonwealth's identified goal of adding 222,000 new homes before 2035.
- The review timeline, originally longer than a year, may now be shortened to 30 days for certain projects, such as high-density residential use and transit-oriented development.

The housing crisis is not unique to Massachusetts; however, the Commonwealth is acutely impacted by the dwindling supply and growing cost of homes. Although there is an expected need for more homes with an increasing population, approximately 57,200 homes are needed now to address the current shortage, according to "[A Home for Everyone](#)," the State's first

comprehensive housing plan. An additional 51,400 homes are needed for sale or for rent to achieve a healthy vacancy rate.

Efforts to address the housing crisis

The reforms to the MEPA review process, [initially filed](#) by Governor Maura Healey, are expected to result in an increased number of housing and ecological restoration projects reaching completion faster and at a lower financial cost. Projects that meet specific eligibility criteria, such as a single family home or a multifamily development of up to 50 units where the only MEPA review trigger is a state wetlands order (known as a Superseding Order of Conditions), are exempt from the review thresholds. Other projects meeting qualifying criteria, such as being outside of a flood zone or satisfying energy efficiency requirements, may not be subject to a mandatory Environmental Impact Report (EIR).

Key takeaways from the amended regulations

NEW EXEMPTIONS

As amended, the MEPA review thresholds now do not apply to projects consisting of one single family dwelling or multifamily housing of up to 50 units where the only required Agency Action is a Superseding Order of Conditions.

CORE CRITERIA FOR STREAMLINE REVIEW

The updated regulations provide that certain projects are “not presumed likely or reasonably likely to cause Damage to the Environment,” if all of the criteria summarized below are met, even if they exceed the MEPA review thresholds at 301 CMR 11.03:

- / A majority of the floor area (67%) is dedicated to residential uses;
- / Certain unit density is achieved per acre (e.g., at least 12 units per acre for two and three family buildings, etc.);
- / A limited amount of previously undeveloped land is altered;
- / The project site is located outside of hazard/flood areas;
- / The Massachusetts Stretch Energy Code is satisfied;
- / There is limited impact on new water, wastewater, or gas utility services; and
- / No significant increases in traffic exist, depending on proximity to public transit.

REQUIRED NOTICE

The above-referenced projects that clear the not “likely or reasonably likely” threshold must still file an Environmental Notification Form (ENF) but are not required to file an EIR, even if the project is in an environmental justice area.

The full text of the [revised MEPA regulations](#) may be found on the MEPA Office’s [website](#).

How can developers adjust to MEPA changes?

These amendments represent a meaningful step toward facilitating much-needed housing and development across Massachusetts. As the new framework takes effect, project developers and other stakeholders should evaluate how the updated thresholds and exemptions may affect permitting strategy. [Nixon Peabody’s Environmental Team](#) is available to help guide clients through every stage of MEPA compliance and leverage these reforms to advance their projects with confidence.

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