

EXECUTIVE ORDER

Executive Order No. 622: Establishing the Commission on Unlocking Housing Production

DATE: 10/18/2023

ISSUER: Maura Healey

WHEREAS, there currently exists a severe shortage of decent, safe, and sanitary housing serving residents at all income levels across Massachusetts;

WHEREAS, the historically high cost of housing in Massachusetts is driven by this shortage, and makes it difficult for the state to attract and retain the residents who form the fabric of our communities;

WHEREAS, affordable and accessible housing is critical for the long-term economic competitiveness of Massachusetts, and for the physical health and mental well-being of its residents;

WHEREAS, the Healey-Driscoll Administration is committed to addressing the shortage of housing in Massachusetts by increasing the production and supply of housing in cities and towns in every region of the state, to meet our collective housing goals;

WHEREAS, state and local laws, regulations, and practices guide and influence the production of affordable and market rate housing in each region of Massachusetts, and therefore can be used to promote solutions to the existing housing shortage;

WHEREAS, Massachusetts must continue to protect the natural environment, increasing climate-smart resiliency, and planning livable environments, while addressing the housing shortage to strengthen the economy and promote equity;

NOW, THEREFORE, I, Maura T. Healey, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1: Commission on Unlocking Housing Production

There shall be established a Commission on Unlocking Housing Production to advise the Governor, Lieutenant Governor, and Executive Office of Housing and Livable Communities. The Commission shall be charged with delivering a report to the Governor and Lieutenant Governor on how state and local laws, regulations, and practices could be revised so as to increase the supply of housing that is affordable across a wide range of incomes and available throughout a broad spectrum of neighborhoods.

The Commission shall consist of the following members: the Secretary of Housing and Livable Communities, or the Secretary's designee, who shall serve as Chair; the Secretary of Administration and Finance or the Secretary's designee; the Secretary of the Executive Office of Economic Development, or a designee; the Secretary of the Executive Office of Energy and Environmental Affairs, or a designee; and up to twelve additional members appointed by the Governor. Members appointed by the Governor shall include representatives of municipal leadership, housing advocacy groups, labor unions, affordable housing developers, market rate housing developers, and housing finance organizations, as well as individuals with expertise in land use law and regulation and in development. Members appointed by the Governor shall serve at her pleasure, in an advisory capacity and without compensation, and are not intended to perform services for any state agency.

Section 2: Commission Report

The Commission will deliver a report to the Governor and Lieutenant Governor on the following:

1. An analysis of state and local legislation, regulations, and practices that influence the development of housing and the ways in which they can be revised to increase the supply of housing. Such legislation and regulations may include zoning bylaws and ordinances; subdivision rules; state and local environmental laws and regulations; state and local building, sanitary and fire safety codes; and permitting procedures, costs, and timeframes.
2. An assessment of how state zoning, building, sanitary, fire, subdivision, and environmental laws and related regulations could be clarified to avoid interpretations that unnecessarily or intentionally impede the development of housing.
3. Recommendations for legislative, regulatory, and policy change to facilitate housing production.

Section 3: Working Committees

The Chair may convene working committees to investigate specific types of statutes, regulations, and practices relevant to the production of housing, including zoning, subdivision, building and environmental restrictions, which may include the state building code, Title 5 of the state environmental code, and local wastewater disposal ordinances. Working committees may be comprised of members of the Commission and non-members selected by the Chair who possess expertise useful to the work of the working committee.

All working committees shall be chaired by a member of the Commission designated by the Chair. Working committees shall meet from time to time, as scheduled by the Chair or the Chair's designee.

Section 4: Compatibility with Existing Laws

Nothing in this Executive Order shall be construed to require action inconsistent with any applicable state or federal law.

Section 5: Effective Date

This Executive Order shall take effect immediately and shall continue in effect until the Commission has delivered to the Governor its written report detailing its findings.