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Barney Heath  
Director

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**MEMORANDUM**

**DATE:** **October 5, 2024**

**TO:** Councilor R. Lisle Baker, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

**FROM:** Barney Heath, Director, Department of Planning and Development  
Jennifer Caira, Deputy Director, Department of Planning and Development  
Zachery LeMel, Chief of Long-Range Planning  
Nora Masler, Planning Associate

**RE:** **Affordable Homes Act – Accessory Dwelling Unit Zoning Amendments**

**Meeting:** October 10, 2024

**CC:** City Council  
Planning Board  
Jonathan Yeo, Chief Operating Officer

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**Overview**

In August 2024, Governor Maura Healey signed into law the [Affordable Homes Act](#). This legislation includes updates to the State's Zoning Act (Ch. 40A) regulating Accessory Dwelling Units (ADUs), which will go into effect on February 2, 2025. The most pertinent updates for ADU permitting are:

1. ADUs must be allowed by-right within single-family zoning districts
2. ADUs may not have an owner occupancy requirement
3. ADUs may not have a parking requirement within ½ mile of transit
4. ADUs may not exceed a maximum size by-right

Newton's existing ADU Ordinance complies with most, but not all, of the updates made within Ch. 40A. These changes will go into effect at the beginning of 2025. To bring Newton into compliance with state law before the deadline, staff will propose zoning ordinance amendments to the ADU Ordinance at an upcoming ZAP meeting.

## **Draft Amendments**

Below is a list of updates staff believe are required for compliance.

1. Allow ADUs by-right with any building type within a single-residence district (Sec. 6.7.1.B.)
2. Remove owner occupancy requirement (Sec. 6.7.1.C.3.)
3. Remove change of property owner notification and annual property owner certification (Sec. 6.7.1.C.8-9.)
4. Remove entry requirements (Sec. 6.7.1.D.4.)
5. Update ADU size allowance to comply with the State law (Sec. 6.7.1.D.2. and 6.7.1.E.2.)
6. Exempted detached accessory apartments from the ground floor maximum square footage in 3.4.3.A.4 (6.7.1.E.7)

Note: Though the Planning Department recommends removing owner occupancy requirements to comply with the State law, proposed language has been added to require that ADUs be held in common ownership to address previously raised concerns regarding ADUs becoming condos.

## **Next Steps**

Staff are working internally (Planning, Law, ISD) to develop draft recommendations and will present amended zoning language at an upcoming ZAP meeting.