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Gary Christenson, Mayor

TO: The Malden City Council
FROM: Mayor Gary Christenson
DATE: January 2, 2025
RE: Accessory Dwelling Unit (ADU) Proposed Zoning Amendments

As you know, the state Affordable Homes Act signed into law last year requires that Accessory Dwelling Units (ADUs) be allowed to be built by right in single-family zoning districts, similar to other specially protected “Dover Amendment” uses under M.G.L. c. 40A, Section 3. Under the law, ADUs will be allowable by right as of February 2, 2025, regardless of whether a municipality has updated its zoning to comply. The new law, however, allows municipalities to create regulations for ADUs in several areas, including regulating size, dimensional controls, and other regulations. It is therefore paramount that we have appropriate zoning in place before the February 2nd effective date.

After the law was signed, City staff - including the City Planner, OSPCD Director, Parking Director, ISD Director, and City Solicitor - developed proposed zoning amendments that will bring our zoning into compliance with the new state law while establishing allowable regulations to help mitigate the negative impacts of ADUs on our community. The actual impacts on the City remain unknown but have the potential to be significant. These potential impacts include but are not limited to health, safety, nuisance, and parking concerns. Unfortunately, the state’s Executive Office of Housing and Livable Communities (EOHLC) has been slow to provide guidance throughout this process and only released draft regulations last month, which may change. Nevertheless, our team has worked tirelessly to develop the proposal that is now before you.

Highlights of the zoning proposal are as follows:

- Defines ADUs and establishes regulations
- Prohibits short-term rentals of ADUs, consistent with existing City ordinance
- Parking requirements
- Size and Dimensional Controls
- Site Plan Review

Despite the above-mentioned challenges, I believe the proposed amendments before you represent the City’s best approach at this time to achieving compliance with the law while simultaneously addressing the interests of Malden and its residents.

Thank you for your prompt consideration and action given the state’s February 2nd effective date.