

Key Dates:

- August 6, 2024: Governor signed into law the so-called “Affordable Homes Act,” which amends the state zoning law (M.G.L. c 40A).
- December 6, 2024: state EOHLC released DRAFT guidelines.
- February 2, 2025: the regulatory portion re: Accessory Dwelling Units of the new state law goes into effect.

*The zoning amendments proposed in CCP 13-2025, which we will discuss later, are intended to update Malden’s zoning ordinance to reflect this new state law re: Accessory Dwelling Units.*

Highlights of new state law and DRAFT guidelines:

- The state law calls the new unit, “Accessory Dwelling Unit;” in fact, it is simply an additional dwelling unit.
- A single additional unit at a property must be allowed by right.
- The use of land or structure for the additional unit may be “subject to reasonable regulations, including but not limited to site plan review, regulations concerning dimensional setbacks and the bulk and height of structures.”
- “More than one”/a subsequent/additional unit shall require a special permit.
- An additional unit may be added to any building/property with a dwelling unit.
- An additional unit may be added to property located in a zoning district where single-family dwellings are allowed. [For Malden this is the Residence A, Residence B, Residence C, Residential Office and Neighborhood Business zoning districts].
- The maximum size of the additional unit is the smaller of 900 SF or ½ the size of the principal dwelling.
- The additional unit cannot be required to have parking if located within ½ mile of a subway station or bus station or bus route, which is the entire City (except a small portion of Middlesex Fells Reservation).
- The additional unit cannot be required to be owner-occupied.
- The additional unit cannot be required to be affordable.
- The additional unit must comply with Building, Fire and Sanitary Codes.
- The additional unit may be subject to “restriction and prohibition on short-term rental.”

NOTE: Some of these requirements are contained of the actual law (27 lines of text); others are provided in the DRAFT guidelines (currently 6 pages of text), which may change and still need to be finalized by the state.

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Unknown Impacts: The magnitude of the impacts which this law will have on most neighborhoods in Malden remains to be seen.